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### JOURNAL

OF THE

#### SENATE

OF THE

# GENERAL ASSEMBLY

OF THE

## STATE OF NORTH CAROLINA,

AT ITS

SESSION OF 1870-'71.

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### SENATE JOURNAL.

SESSION 1870-'71.

#### FIRST DAY.

Senate Chamber, November 21st, 1870.

At a General Assembly of the State of North Carolina, begun and held in the City of Raleigh, on Monday, the 21st day of November, A. D. 1870, it being the day appointed by law for the meeting of the General Assembly, the President of the Senate took the chair and delivered the following address:

Senators:—The assembling of the representatives of the people is always an event of great interest. It is especially so at a time like the present when so many are looking forward with fond hope and expectation for a removal of real or imaginary burdens which they believe are resting upon them.

I fondly hope, Senators, that the people of our beloved State may not be disappointed in their hopes and expectations, and that this branch of the legislative department will apply itself assidiously to devise ways and means to improve the condition of their constituents and to restore the State to her former stand-point of prosperity and greatness.

Much was done by your predecessors calculated to advance the State in her onward march to glory and greatness, if the intention of the law-makers had been faithfully and honestly observed and their enactments properly executed; but candor compels me to admit that much also was done which it were better had been entirely omitted.

It will be your duty, as it will doubtless be your pleasure, to preserve the good and to correct the evil legislation of those who

have preceded you; to throw around the laws such safeguards as will insure their enforcement and to make them so plain and just that the humblest citizen may thoroughly comprehend and cheerfully obey them.

Above all else, I do most earnestly urge you to bear in mind that the peace of the State and individual rights must be preserved and protected at all and every hazard. The good of society imperatively demands that lawlessness and vice shall be repressed and punished, and that intelligence, virtue and industry shall be cultivated and suitably encouraged. Endeavor to make the strong, the wicked and the perverse know and feel that the law is a master, who will compel them to bow to its majesty and obey its commands; and to make the weak, the virtuous and the good put their trust in it as a friend more to be depended on than a brother.

If you accomplish this the people will rise up and proclaim you benefactors to the present and to future generations, a new era of prosperity will dawn upon our State, and a fresh impetus given to the general welfare of our people.

I trust that you will pardon me for departing from what properly belongs to my duty and allow me to suggest that you cause a searching thorough investigation to be made into all well founded complaints of frauds and peculations which have been or may be preferred by responsible parties against those into whose custody the great interests of the State have been committed. The people demand this at your hands in order to vindicate the character of such as have been falsely charged and to bring to justice those who have abused the high trusts confided to their keeping. In conclusion, Senators, I beg to assure you that in the future, as in the past, I shall strive to discharge my duties with such fairness and impartiality as will convince you that I have at least endeavored to merit your approbation, and in order to make my task an easy and a pleasant one, I bespeak your generous co-operation in enforcing the rules made for our government.

And now, invoking the blessing of the Great Lawmaker

upon all our deliberations, and praying that harmony and good will may prevail amongst us, I announce that we are ready to proceed with the public business.

The following Senators elect thereupon exhibited their credentials, and were qualified according to law, to wit:

1st District—Rufus K. Speed, James C. Skinner.

2d "L. C. Latham.

3d "E. J. Warren.

5th "J. W. Beasley.

7th "N. B. Bellamy.

8th "Jacob McCotter.

9th " L. F. Battle.

10th "L. J. Moore, R. F. Lehman.

11th "R. W. King.

12th "W. A. Allen.

13th " C. W. McClammy, G. W. Price.

14th "J. D. Currie.

15th "R. M. Norment.

16th "W. C. Troy, C. T. Murphy.

17th " L. R. Waddell.

18th " C. H. Progden.

19th " L. P. Olds.

22d " J. W. Graham.

23d "W. G. Albright.

26th "J. A. Gilmer.

27th "J. M. Worth,

29th " A. J. Dargan.

30th "H. C. Jones.

31st "Valentine Mauney.

32d "W. M. Robbins.

33d "F. C. Robbins.

34th "Sterling Adams.

37th " E. Crowell.

38th "G. M. Whiteside.

39th " C. L. Cook.

40th District, James Merrimon.

41st "W. B. Council.

42d "W. W. Flemming.

43d " W. L. Love.

Mr. R. W. Lassiter presented his credentials as Senator elect from the 21st district, and it was moved by Mr. Graham that they be laid upon the table.

Upon this motion the yeas and nays were demanded. The Senate agreed thereto, and the motion did not prevail. Yeas 3; Nays 34.

Those who voted in the affirmative are

Messrs. Allen, Graham and Norment-3.

Those who voted in the negative are

Messrs. Adams, Albright, Beasley, Bellamy, Battle, Brogden, Currie, Crowell, Cook, Council, Dargan, Flemming, Gilmer, Jones, King, Lehman, Latham, Love, McCotter, McClammy, Murphy, Mauney, Merrimon, Olds, Price, Robbins of Davidson, Robbins of Rowan, Speed, Skinner, Troy, Warren, Waddell, Worth and Whiteside—34.

Mr. Lassiter was thereupon duly qualified and took his seat. The President having announced that the next business in order was the election of a Chief Clerk, Mr. Graham put in nomination William L. Saunders, of Orange, and Mr. Moore put in nomination A. H. Dowell, of Wake.

The President appointed Messrs. Graham and Moore to superintend the election.

The Senate then voted as follows:

For Mr. Saunders—Messrs. Adams, Albright, Allen, Battle, Currie, Cook, Crowell, Council, Dargan, Fleming, Graham, Gilmer, Jones, Latham, Love, McClammy, Murphy, Mauney, Merrimon, Norment, Robbins of Davidson, Bobbins of Rowan, Speed, Skinner, Troy, Warren, Waddell, Worth and White sides—29.

For Mr. Dowell—Messrs. Beasley, Bellamy, Brogden, King, Lassiter, Lehman, McCotter, Moore, Olds and Price—10.

Mr. Saunders having received a majority of the votes cast, was declared duly elected.

The Senate then proceeded to the election of Assistant Clerk.

Mr. Albright nominated H. A. London, Jr., of Chatham.

Mr. Moore nominated Mr. J. C. L. Harris, of Wake.

The Senate proceeded to vote as follows:

For Mr. London—Messrs. Adams, Albright, Allen, Battle, Currie, Crowell, Cook, Council, Dargan, Flemming, Graham, Gilmer, Jones, Latham, Love, McClammy, Murphy, Manney, Merrimon, Norment, Robbins of Davidson, Robbins of Rowan, Speed, Skinner, Troy, Warren, Waddell, Worth and White sides—29.

FOR MR. HARRIS—Messers. Beasley, Bellamy, Brogden, King, Lassiter, Lehman, McCotter, Moore, Olds and Price—10.

Mr. London having received a majority of the votes cast, was declared elected.

Therenpon having been duly qualified by the President, the Principal and Assistant Clerks entered upon the discharge of their duties.

The Senate then proceeded to the election of Principal Door keeper.

Mr. Allen nominated Mr. J. J. Roberson, of Newbern.

Mr. Beasley nominated Mr. J. T. Ball, of Wake, and the Senate voted as follows:

For Mr. Roberson—Messrs. Adams, Albright, Allen, Battle, Currie, Crowell, Cook, Council, Dargan, Fleming, Graham, Gilmer, Jones, Latham, Love, McClammy, Murphy, Mauney, Merrimon, Norment, Robbins of Davidson, Robbins of Rowan, Speed, Skinner, Troy, Warren, Waddell, Worth and Whitesides—29.

FOR Mr. Ball—Messrs. Beasley, Bellamy, Brogden, King, Lassiter, Lehman, McCotter, Moore and Olds—9.

Mr. Roberson having received a majority of the votes cast, was declared duly elected.

On motion of Mr. Graham, the Senate adjourned until temorrow, 10 o'clock, A. M.

#### SECOND DAY.

SENATE CHAMBER, November 22d, 1870.

The Senate was called to order by the President. The Journal of yesterday was read.

Andrew C. Cowles, Senator elect from 35th district, J. Turner Morehead, Senator elect from 25th district, Jesse Flythe, Senator elect from 4th district, P. B. Hawkins, Senator elect from 19th district, Romulus Z. Linney, Senator elect from 36th district, appeared, presented their credentials and were duly qualified.

The Senate then proceeded to the election of an Assistant Doorkeeper.

Mr. Robbins, of Rowan, nominated Guilford Christmas for Assistant Doorkeeper, and the Senate voted as follows:

FOR MR. CHRISTMAS.—Messrs. Allen, Battle, Currie, Cowles, Crowell, Cook, Council, Dargan, Flemming, Graham, Gilmer, Jones, Latham, Linney, Love, McClammy, Murphy, Morehead, Mauney, Merrimon, Norment, Robbins of Rowan, Robbins of Davidson, Speed, Skinner, Troy, Warren, Waddell, Worth and Whitesides—30.

FOR MR. GIBBLE.—Messrs. Beasley, Bellamy and Olds—3. FOR MR. BALL.—Messrs. Brogden, King and Moore—3.

Mr. Lassiter voted for Mr. Webster.

Guilford Christmas having received a majority of the votes east, was declared duly elected.

On motion of Mr. Brogden, a message was sent to the House of Representatives informing that body of the organization of the Senate, and its readiness to proceed to the dispatch of business.

Mr. Allen moved that the rules of order of the Senate for the session of 1865-'6 be adopted for the government of the Senate for the present session until permanent rules can be agreed upon. Mr. Graham moved to amend by substituting the rules of the Senate for the last session. The amendment was carried, and the motion of Mr. Allen, as amended, prevailed.

Mr. Robbins, of Rowan, moved that W. A. Smith, Esq., be permitted to present his credentials as Senator elect from 26th district, to be qualified and to take his seat.

Pending this motion, Mr. Smith was, on leave, permitted to address the Senate in his own behalf.

Upon the motion of Mr. Robbins, Mr. Graham demanded the yeas and nays. The Senate agreed thereto, and the motion prevailed. Yeas 42; Nays 1.

Those who voted in the affirmative are

Messrs. Adams, Alleu, Albright, Beasley, Bellamy, Battle, Brogden, Currie, Cowles, Crowell, Cook, Council, Dargan, Flythe, Flemming, Hawkins, Jones, King, Latham, Lassiter, Lehman, Linney, Love, McCotter, Moore, McClammy, Murphy, Morehead, Mauney, Merrimon, Norment, Olds, Price, Robbins of Rowan, Robbins of Davidson, Speed, Skinner, Troy, Warren, Waddell, Worth and Whitesides—42.

Mr. Graham voted in the negative.

W. A. Smith, Senator elect from the 26th District, and Samuel C. Barnett, Senator elect from the 21st District presented their credentials and were duly qualified.

Mr. Graham presented petitions from L. C. Edwards and W. A. Bradsher, contesting the right of Samuel C. Barnett and Robert W. Lassiter to their seats in this body. The petitions were read, and on motion, laid upon the table.

The President presented a message from the Code Commission which was read, and on motion of Mr. Love, laid upon the table.

A message from the House of Representatives was received informing the Senate of the organization of the House of Representatives by the election of Thomas J. Jarvis, Speaker; William W. Gaither, as Principal Clerk; Kerr Craige, as Assistant Clerk; Lewis C. Quinn, as Principal Doorkeeper; J.

H. Hill, as Assistant Doorkeeper, and Washington M. Hardy, as Engrossing Clerk.

A message was received from the House of Representatives proposing to raise a Joint Committee of two on the part of the House, and three on the part of the Senate, to wait upon the Governor to inform him of the complete organization of the General Assembly.

The Senate concurred therein.

Messrs. Brogden and Robbins, members on the part of the Senate of the Committee to wait upon the Governor, reported that he would be ready to send in a message at half past twelve o'clock.

The President laid before the Senate a communication from the Lee Memorial Celebration Committee to the Senate, which was read.

On motion of Mr. Norment, the Senate adjourned.

#### THIRD DAY.

SENATE CHAMBER, November 23d, 1870.

The Senate was called to order by the President. The journal of yesterday was read.
On motion the Senate adjourned.

#### FOURTH DAY.

SENATE CHAMBER, November 24th, 1870.

The Senate was called to order by the President.

The journal of yesterday was read.

On motion, the Senate adjourned.

#### FIFTH DAY.

SENATE CHAMBER, November 25, 1870.

The Senate met pursuant to adjournment.

The journal of yesterday was read.

Henry Eppes presented his credentials as Senator elect from the sixth district, was duly qualified and took his seat.

A message was received from the House of Representatives proposing to go into the election of an Enrolling Clerk, at twelve o'clock, in which the Senate concurred, on motion of Mr. Graham.

On leave granted, Mr. Gilmer introduced a bill to be entitled an act to incorporate the "People's Building and Loan Association of Salem," which was read the first time, passed and referred to committee on corporations.

On leave granted, Mr. Warren introduced a bill to be entitled an act "to amend the charter of the town of Washingington," which was read the first time and passed.

The rules were suspended, and the bill put upon its second and third readings.

Mr. Price moved to amend by striking out after the word "supervision" so much of the fourth section as relates to the appointment of Registrars.

The question having been taken upon the amendment, it was rejected and the bill passed its second and third readings—Yeas 45; Nays none.

YEAS—Messrs. Adams, Allen, Albright, Beasley, Battle, Barnett, Currie, Cowles, Crowell, Cook, Council, Dargan, Eppes, Fleming, Graham, Gilmer, Hawkins, Jones, Latham, Lassiter, Ledbetter, Lehman, Linney, Love, McCotter, Moore, McClammy, Murphy, Morehead, Mauney, Merrimon, Norment, Olds, Price, Robbins of Rowan, Robbins of Davidson, Speed, Skinner, Smith, Troy, Warren, Waddell, Worth and Whitesides—45.

NAYS-None.

On leave granted, Mr. Speed introduced a bill to be entitled an act for the better regulation of the town of Elizabeth City Pasquotank county, N. C., which was read the first time and passed and referred to the committee on corporations.

Notice of the introduction of bills was given as follows:

By Mr. Moore, a bill to be entitled an act regulating mileage and *per diem*, and also repealing an act entitled an act concerning the same, laws 1869–'70.

A bill to be entitled an act to repeal an act to regulate the manner of applying for pardons, laws 1869-'70.

By Mr. Robbins, of Davidson, a bill to be entitled an act to provide for calling special term of the Superior Court in Davidson county, to try the cases of county officers holding over.

By Mr. Lehman, a bill to be entitled an act to amend an act entitled an act in relation to mileage and *per diem*, ratified 26th November, 1869.

"A bill to be entitled an act to amend an act entitled an act to establish the rate of interest, and repeal chapter 114 Revised Code, entitled Usury."

By Mr. Merrimon, a bill to be entitled an act to attach the French Broad Branch of the Western Division of the Western North Carolina Railroad with Eastern Division of said road.

A bill to be entitled an act to fix the mileage and per diem of the officers and members of this general assembly.

A bill to be entitled an act to submit the call of a Convention to amend the constitution of the State to the people of the State and for other purposes.

By Mr. Price, a bill to be entitled an act to incorporate the Mechanics Association of Wilmington.

A bill to be entitled an act to incorporate Rising Sun Lodge, of F. & A. Y. Masons, in Columbus county.

By Mr. Love, a bill to be entitled an act to repeal a part of an ordinance ratified March 13th, 1868.

A bill to be entitled an act in relation to the keeper of the Capitol.

By Mr. Whitesides, a bill to be entitled an act to require

Judges of the Superior Courts to order the removal of all suits in which the judge is interested as party on interest, or as having been of counsel upon application of any party in interests in such suits to an adjoining district for trial.

A bill to be entitled an act to repeal an act entitled an act to extend the corporate limits of the town of Rutherfordton, passed at the session of 1869-70.

By Mr. Linney, a bill to be entitled an act concerning punishments, and to repeal sections seven and eight of an act concerning punishment of the laws of 1868-'69.

By Mr. Robbins, of Rowan, a bill to be entitled an act to amend the general law in regard to the elections in municipal corporations.

By Mr. Gilmer, a bill to be entitled an act to repeal the Code of Civil Procedure, and to provide a cheaper system of pleading.

On leave granted, Mr. Worth introduced a bill to be entitled an act to authorize the Board of County Commissioners to appoint a finance committee for their respective counties, and to extend the powers of such committees.

The hour of twelve having arrived, a message was sent to the Honse of Representatives announcing the appointment of Messrs. Beasley and Merrimon to superintend the election of Enrolling Clerk on the part of the Senate, and the intention of the Senate to proceed to ballot on return of messenger. Mr. Moore nominated W. D. Whithead, of Henderson; Mr. Brogden nominated W. H. Woodard, of Wayne; Mr. Love nominated W. J. Wilson, of Haywood.

The messenger having returned, the Senate proceeded to vote as follows:

For Mr. Wilson—Messrs. Adams, Allen, Albright, Battle, Currie, Cowles, Crowell, Cook, Conncil, Dargan, Fleming, Graham, Gilmer, Latham, Linney, Love, McClammy, Murphy, Morehead, Mauney, Merrimon, Norment, Robbins of Rowan, Robbins of Davidson, Skinner, Smith, Troy, Warren, Waddell, Worth and Whitesides—31.

FOR MR. WHITHEAD—Messrs. Beasley, Eppes, Flythe, Hawkins, King, Lassiter, Lehman, McCotter, Moore, Olds and Price—11.

Mr. Brogden voted for Mr. Woodard.

On leave granted, Mr. Smith introduced a resolution for the relief of Albert Murray, sheriff of Alamance county, which was read first time and passed. The rules were suspended and the resolution put upon its second and third readings.

Mr. Cowles moved to amend by inserting after the word "seventy" in the tenth line of the first section the words "if he shall pay on or before the 10th December, the full amount of the taxes due the Treasury from the county of Alamance."

The question having been taken upon the amendment, it was adopted, and the resolution passed its second and third readings. Yeas 44; Nays 1.

Those who voted in the affirmative are

Messrs. Adams, Allen, Albright, Beasley, Battle, Brogden, Barnett, Currie, Cowles, Cook, Council, Dargan, Eppes, Flythe, Fleming, Graham, Gilmer, Hawkins, Jones, King, Latham, Lassiter, Ledbetter, Lehman, Linney, McCotter, Moore, McClammy, Murphy, Morehead, Mauney, Merrimon, Norment, Olds, Price, Robbins of Rowan, Robbins of Davidson, Speed, Skinner, Smith, Troy, Waddell, Worth and Whitesides—44.

Mr. Love voted in the negative.

Mr. Merrimon, from the Committee to superintend the election of an Enrolling Clerk, reported that upon the joint ballot 143 votes had been cast, of which W. J. Wilson had received 93 votes, W. D. Whithead had received 49 votes and W. H. Woodard had received one vote. Mr. Wilson having received a majority of the votes cast was declared duly elected.

On motion of Mr. Robbins, of Rowan, the Senate proceeded to the election of an Engrossing Clerk. Mr. Robbins, of Davidson, nominated D. P. Mast, of Forsythe; Mr. Moore nominated Richard Daniel, of Craven; Mr. Smith nominated George Faribault, of Wake.

Under the superintendance of Messrs. Robbins and Lehman, the Senate voted as follows:

For Mr. Mast—Messrs. Adams, Allen, Albright, Battle, Currie, Cowles, Crowell, Cook, Council, Dargan, Fleming, Graham, Gilmer, Jones, Latham, Ledbetter, Linney, Love, McClammy, Murphy, Morehead, Mauney, Merrimon, Norment, Robbins of Rowan, Robbins of Davidson, Speed, Skinner, Troy, Warren, Waddell, Worth and Whitesides—33.

FOR MR. FARIBAULT—Messrs. Barnett, Eppes, Flythe, Hawkins, Lassiter, McCotter and Smith—7.

FOR MR. DANIEL—Messrs. Beasley, Brogden, King, Lehman, Moore and Olds—6.

Mr. Mast having received a majority of all the votes cast, was declared duly elected.

On leave granted, Mr. Love introduced a resolution in reference to the purchase of stationery, which was read first time and passed. The rules having been suspended, the resolution was put upon its second and third readings and passed. Yeas 40; Nays 2.

Those who voted in the affirmative are

YEAS—Messrs. Adams, Allen, Albright, Beasley, Battle, Brogden, Barnett, Currie, Cowles, Crowell, Cook, Council, Dargan, Flythe, Fleming, Graham, Gilmer, Hawkins, Jones, Latham, Lassiter, Ledbetter, Lehman, Linney, Love, McCotter, Moore, McClammy, Murphy, Morehead, Mauney, Merrimon, Norment, Olds, Robbins of Rowan, Robbins of Davidson, Skinner, Troy, Waddell and Whitesides—40.

Messrs. Speed and Smith voted in the negative.

Mr. Dargan moved to appoint a committee of three to prepare permanent rules of order for the government of the Senate. The motion prevailed, and the president appointed Messrs. Dargan, Lehman and Graham on said committee.

Mr. Robbins, of Davidson, moved that the Senators constituting the committee to prepare permanent rules of order for the Senate, constitute also the Senate branch of the joint committee to prepare joint rules of order for the government of this General Assembly. The motion prevailed.

Mr. Lehman, on leave granted, introduced a resolution requesting the Secretary of State to furnish the Senate Library with ten copies of the laws of 1869-70, which was adopted.

On motion of Mr. Lehman, the President of the Senate was requested to invite ministers of the Gospel to open the daily sessions of the Senate with prayer.

On leave granted, Mr. Jones introduced a bill to be entitled an act to appoint a commissioner to take election depositions, which was read first time, passed and placed on the calendar.

On motion of Mr. Jones, the Senate adjourned until to-morrow morning, ten o'clock.

#### SIXTH DAY.

SENATE CHAMBER, November 26, 1870.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Atkinson.

The journal of yesterday was read.

Notice of the introduction of bills was given as follows:

By Mr. Battle, a bill to be entitled an act to change the dividing line between the counties of Nash and Edgecombe.

By Mr. Troy, a bill to be entitled an act to amend fifty-second section of the School law, ratified April 12, 1870.

By Mr. Whiteside, a bill to be entitled an act to amend sections 7 and 8, chapter 169, acts of Assembly, 1868-1869.

By Mr. Clammy, a bill to be entitled an act concerning Inspectors in the city of Wilmington, N. C.

By Mr. Robbins, of Davidson, a bill to be entitled an act to amend the present law in relation to making infants parties to actions and special proceedings.

By Mr. Norment, a bill to be entitled an act to repeal the

act extending the corporate limits of the town of Lumberton, in Robeson county.

By Mr. Love, a bill to be entitled an act to repeal chapter 52, laws 1868-1869.

On leave granted, Mr. Olds introduced a bill to be entitled an act transferring the jurisdiction of bastardy trials, which was read, passed first time and referred to committee on judiciary.

Mr. Moore introduced a bill to be entitled an act in relation to per diem and mileage, which was read first time, passed and referred to committee on propositions and grievances.

Mr. Moore introduced a bill to be entitled an act to repeal an act entitled an act to regulate the manner of applying for pardons, which was read and passed the first time and referred to the committee on the judiciary.

Mr. Jones, on leave granted, introduced a bill to be entitled an act to incorporate the Hook and Ladder Company No. 2, of the city of Charlotte, which was read and passed the first time. The rules having been suspended, the bill was put upon its second and third readings and passed. Yeas 39; Nays none.

Those who voted in the affirmative are:

Messrs. Adams, Allen, Albright, Beasley, Battle, Brogden, Currie, Cowles, Crowell, Cook, Council, Dargan, Eppes, Flythe, Fleming, Graham, Gilmer, Jones, King, Latham, Ledbetter, Lehman, Linney, Love, McCotter, Moore, McClammy, Murphy, Morehead, Mauney, Merrimon, Norment, Olds, Price, Robbins of Davidson, Smith, Troy, Warren, Worth and Whitesides—39.

Negative none.

Mr. Lehman introduced a bill to be entitled an act to amend section 1 chapter 24 of the public laws of 1865–'66, entitled an act to establish the rule of interest, and repeal chapter 114 of the Revised Code, entitled Usury, and ratified 12th day of March, 1866, which was read the first time, passed, and on motion, referred to committee on judiciary.

Mr. Lehman moved to re-consider the vote by which the bill was referred to committee on the judiciary, and further moved to lay the motion to re-consider upon the table. The latter motion prevailed.

On leave granted, Mr. Olds introduced a bill to be entitled an act fixing the salary of Attorney General, which was read the first time, passed and referred to the committee on finance.

Mr. Linney introduced a bill to be entitled an act concerning punishment, which was read first time, passed and referred to committee on the judiciary.

On leave granted, Mr. Gilmer introduced a bill to be entitled an act to allow the transfer of certain cases pending in the late courts of equity, which was read the first time, passed and referred to the committee on the judiciary.

Mr. Olds, on leave granted, introduced a bill to be entitled an act against defamation, which was read the first time, passed and referred to the committee on the judiciary.

Mr. Olds, on leave granted, introduced a bill to be entitled an act for the appointment of inspector and weigher of flour, and weigher of cotton in the city of Raleigh, which was read first time, passed and referred to the committee on propositions and grievances.

On leave granted, Mr. Jones introduced a bill to be entitled an act in relation to municipial elections, which was read first time, passed and referred to committee on the judiciary.

Mr. Love introduced a bill to be entitled an act to repeal certain parts of an ordinance, ratified March 13th, 1868, which was read first time, passed and referred to the committee on the judiciary.

Mr. Love introduced a bill to be entitled an act in relation to the Keeper of the Capitol, which was read first time, passed, and referred to the committee on propositions and grievances.

Mr. Whitesides introduced a bill to be entitled an act toprovide for the removal of certain suits, actions or causes from one judicial district to another, which was read first time, passed and referred to the committee on the judiciary. Mr. Whitesides introduced a bill to be entitled an act to repeal an act entitled an act to extend the corporate limits of the town of Rutherfordton, which was read the first time, passed and referred to the committee on corporations.

Mr. Moore introduced a bill to be entitled an act to repeal chapter sixty, section fifty-three, Revised Code, which was read the first time, passed and referred to the committee on

agriculture.

Mr. Graham introduced a resolution to declare a vacancy in the 24th senatorial district, which was read.

Mr. Olds moved to postpone its further consideration until the first Monday in December next. Upon the motion, the yeas and nays were demanded by Mr. Brogden. The Senate agreed thereto and the motion did not prevail. Yeas 10; Nays 33.

Those who voted in the affirmative are:

Messrs. Beasley, Brogden, Barnett, Eppes, Flythe, King, Lehman, McCotter, Moore and Olds—10.

Those who voted in the negative are:

Messrs. Adams, Allen, Albright, Bellamy, Battle, Currie, Cowles, Crowell, Cook, Council, Dargan, Fleming, Graham, Gilmer, Jones, Latham, Ledbetter, Linney, Love, McClammy, Murphy, Morehead, Mauney, Merrimon, Norment, Robbins of Rowan, Robbins of Davidson, Speed, Skinner, Troy, Warren, Worth and Whitesides—33

The question then recurring upon the original resolution of of Mr. Graham, the yeas and nays were demanded.

The Senate agreed thereto, and the resolution was adopted. Yeas 33; Nays 9.

Those who voted in the affirmative are:

Messrs. Allen, Albright, Bellamy, Battle, Barnett, Currie, Cowles, Crowell, Cook, Council, Dargan, Fleming, Graham, Gilmer, Jones, Latham, Ledbetter, Linney, Love, McClammy, Murphy, Morehead, Mauney, Merrimon, Norment, Robbins of Rowan, Robbins of Davidson, Speed, Skinner, Troy, Warren, Worth and Whitesides—33.

Those who voted in the negative are:

Messrs. Beasley, Brogden, Eppes, Flythe, King, Lehman, McCotter, Moore and Olds—9.

A message was received from the House of Representatives transmitting the Governor's message and accompanying documents. The message was read as follows:

#### EXECUTIVE DEPARTMENT, RALEIGH, Nov. 22, 1870.

To the Honorable the General Assembly of North Carolina:

Gentlemen:—The people have committed to you the Legislative authority of the State. It is your duty to enact laws, and it is the duty of the Judiciary to expound, and of the Executive to enforce these laws. Our form of government is thus a simple one. It derives all its force and efficiency from the people. They established it and they alone, through the forms prescribed in the Constitution, have the right to modify or change it. Very important trusts have been reposed in you, as in all former General Assemblies. The people, who have thus given you their confidence and clothed you with power, will look to you, as they look to the two other departments of the government, with the expectation that this confidence will be justified, and this power wielded for the general good.

We have cause to be thankful to Almighty God, the Giver of every good and perfect gift, for the abundant harvests of the year now closing, and for the general peace and quiet now prevailing throughout the State. Scarcity of the means to support life is no longer felt. All our people who labor can have their "daily bread," and many are retrieving and rebuilding the fortunes which were lost or impaired during the late war. We are entering as a people on a new career. Time, labor, patience, and harmony and good will among ourselves, will make North Carolina more prosperous, more wealthy and

more respected than she has heretofore been at any period in her history.

The finances of the State are at all times important and interesting. The people, who pay the taxes for the support of government and to improve the State, are especially concerned as to the manner in which the finances are conducted. If errors are committed, it is their right and duty to apply the remedy. They can do this only through you, their representatives in General Assembly convened. Executive and ministerial officers have no power to levy taxes or contract debts. They can do only what you command. If, therefore, onerous taxes have been levied, or a large debt contracted, they are not responsible. Their duty is to observe the law, and to carry out as Executive agents whatever may have been regarded by you as most expedient for the general welfare.

The present debt of the State is stated as follows:

Old or ante-war bonds, \$8,378,200. Bonds issued to Railroad Companies during the war, under acts passed prior to May 20th, 1861, \$913,000. Bonds issued to Chatham Railroad Company under Ordinance of Convention, 1861, \$215,000. Bonds issued since the close of the war, not special tax, \$8,986,845. Special tax bonds, \$11,407,000. Total, \$29,900,045.

As will be seen, there are included in the above amount, coupon bonds amounting to \$1,128,000 issued on account of certain Railroad Companies in 1861, '62 and '63, the greater portion of which was expended for work done on the roads. These bonds are not marketable, having been issued during the war, but it is contended that they were not issued in aid of the rebellion aud ought to be recognized. It is believed that the larger portion of these are in the possession of citizens of the State.

Under an act of the General Assembly "to restore the credit of the State and to facilitate the construction of our unfinished railroads," bonds to the amount of \$4,343,000 were returned to the Treasury, including 1,650,000 of the issue of \$2,000,000 to the Chatham Railroad Company, pronounced unconstitu-

tional by a decision of the Supreme Court. This issue to the Chatham Railroad Company was omitted by the State Treasurer in the statement of the debt accompanying his report for 1869, by reason of the decision of the Supreme Court reterred to. The debt is, therefore, actually reduced \$2,693,000.

The entire debt is, therefore, about thirty millions of dollars, to pay the interest on which, at six per cent., together with the amount necessary to conduct the State government, will require an annual tax of \$2,500,000.

Will the people of the State submit to the annual payment of this amount of tax? To be candid with you, gentlemen, I do not believe they will. I have not changed my opinion on this subject. I still believe it would be wise, and would be sound economy in the end, to pay the interest on the debt, and every dollar of it when due; yet I need not tell you, who are fresh from the people, that this is not to be expected or lioped for. The people reason thus on this subject: They say they lost their slaves and a large amount of property by the rebellion; that this rebellion was not anticipated when a part of this debt was contracted, and that no provision could be made against it; that they lost their Bank stock, nearly all the value of their Bank notes, all their State Treasury notes and Confederate bonds and notes, and nearly all of their old debts; that the bonds issued previously to the rebellion were based to a large extent on slave property; that the war left them impoverished, their lands neglected and reduced in value, the whole system of labor changed; that many of the special tax bonds have been hypothecated tor small sums and lost; that théir internal improvements, projected since the rebellion, are languishing, and have for the most part failed, on account of the loss of State credit, no matter from what cause ;--and that upon the whole, they will pay a part of the old State debt, and they will pay on the new or special tax debt such amounts as were realized from the sale of bonds from first hands. Is there a member of your body who will say that his is not the feeling of the people? Gentlemen, this is not my judgment. I would pay it all in good faith if everyother man in the State should say pay; yet I am, with yourselves, a servant of the people, and it is my duty to obey their commands. The demoralization and loss occasioned by the rebellion is such that many of our people can not or will not pay their own individual debts; can you expect those who can not or who will not do this, to submit to be taxed heavily to pay the State debt?

There must be a compromise. The State debt must be consolidated, and interest paid accordingly, and the sooner it is done the better.

Assume, for example, that the debt is \$30,000,000. Three per cent. on this would be \$900,000 per annum. But reduce the debt, by issuing new bonds, \$15,000,000—the interest would be, at six per cent., the same amount as the above. The debt, however, would be still further reduced, if certain of the special tax bonds should be recognized and met only at the amounts which they commanded from first hands. The people would pay one million five hundred thousand dollars per annum to meet the interest, and to carry on the State government, but I doubt if two millions five hundred thousand dollars, as above stated, could be collected. I have deemed it my duty to speak freely on this subject. If I were disposed to court popularity at the expense of duty, or if I feared the consequences of stating plainly what I know to be the feelings of our people, I would have avoided the expression of these views to your honorable body; but this question must be met, and the longer its settlement is postponed the greater will be the difficulties that will surround it. The interest on the bonds is constantly accumulating. This interest is not paid, and the debt is, therefore, growing larger and larger. Promptitude in the payment of interest is indispensable to credit. It is better to pay three per cent. promptly on the whole debt than to pay six per cent. once in two or three years, and then promise to pay, and fail to meet the promise.

I invite your early and earnest attention to this subject, and I trust you will not adjourn without such legislation as will meet the wishes of the people, and satisfy, as far as may be, the just expectations of our creditors.

Allow me in this connection to invite your attention to the Report of the Public Treasurer. That officer has been indefatigable and zealous in the discharge of his important duties; and I am satisfied that, if his suggestions had been heeded and adopted by the last General Assembly, the State finances and the State credit would have been on a much better footing than they at present occupy.

Our revenue laws are defective. Your attention is invited to the importance of so amending these laws as to ensure prompt payments by the Sheriffs, and also to provide some effectual check on the Sheriffs as to the taxes collected of merchants and dealers.

The Presidents of the various corporations in which the State is interested will report to you through the Superintendent of Public Works. I regret to state that our unfinished Railroads have not been pressed to completion as it was hoped at one time they would be, and as the people had a right to expect. The mistake in this business was, in issuing at one time so large an amount of bonds to the Railroad corporations. It is true the former mode of issuing them to the Presidents of the corporations was observed: yet the amount suddenly thrown upon the market, together with the gold speculation in New York in October last, operated to put the bonds, as a general rule, to a figure not more than one-fourth their value. It would have been fortunate tor these corporations and for the State if the bonds had been sold, early in October last, for fifty cents in the dollar.

The Eastern Division of the Western Extension is pressing forward slowly but steadily through the Blue Ridge, but it is feared the want of means will prevent its completion to Asheville. Some work has been done on the projected Roads beyond Asheville. But the work is languishing, and I regret to

state that I can see no means immediately at hand to prosecute it.

The people of the Western part of the State have long felt the want of Railroad communication. There is no finer region of country in the world than that which lies west of the Blue Ridge. Every part of the State is interested in penetrating through that region to the Mississippi Valley. It this work could be accomplished, the beneficent results would soon be seen in the diversion of a large amount of trade and travel through the State, and in the rapid development of the great resources of Western North Carolina. I am not without hope that aid may be expected from Congress for this work, as a part of the great Southern Pacific line.

There are at present two Boards of Directors and two Presidents of the Wilmington, Charlotte, and Rutherford Railroad. This conflict of authority is calculated to obstruct the business of this corporation, and to impede the work of construction, which, for some time past, has not progressed rapidly. Under a recent decision of our Supreme Court, in the case of R. Y. McAden, "tax payer," &c., v. D. A. Jenkins, Public Treasurer, and the Wilmington, Charlotte & Rutherford R. R. Co., I was of opinion, which is unchanged, that the State was entitled to a representation in the Directory of that Company. I trust you will give to this conflict of authority your early attention. It may be that your honorable body will be able to adjust the difficulty that exists, yet I incline to the opinion that it can be settled only by the Supreme Court.

The North Carolina Railroad, which was chartered in 1848, is now in a prosperous condition, and is realizing the most sanguine expectations of its early advocates and friends. It has been conducted in the best and most satisfactory manner by its President, William A. Smith, Esq., aided and sustained as he has been by a Board of twelve Directors, eight of whom are appointed by the State and four chosen by the Stockholders. This corporation, under this admirable management, is now paying six per cent. per annum on its whole capital stock of

four millions of dollars. Propositions have been made by capitalists to lease this Road for a term of years, but I have instructed the State proxy to vote against any lease or sale, and the State Directors, appointed by the Governor and Council, are not expected to favor any step which will deprive the State of its control of this valuable road. I respectfully and earnestly recommend that the State continue to hold and control this road. No consideration or advantage which is likely to be offered, should induce the State to part with this property either by sale or lease.

The report of the Board of Education will show the transactions of that body for the past year. Your attention is invited to the suggestions in the report in relation to the interest now due from the State to the public school fund; also, to the statements with reference to swamp land transactions.

The contract made by the Board of Education with Messrs. Bible and Carrow, for certain swamp lands, has not been complied with on this part. That the Board made a good bargain for the State in contracting to dispose of these lands to these gentlemen, there can be no doubt; and one of the best evidences of this is the fact that they elected, when the time arrived for the first payment, not to make the payment, and thus forfeit what they deemed a bad bargain for themselves. There are considerable bodies of swamp lands that are valuable; but it is well that the people of the State should understand that these lands are not at present available as a source of income to the school fund. Indeed, they never have been available for this purpose. They have cost the State more money than has yet been received from sales of them They will grow in value and importance as the population of that part of the State in which they are situated increases, and as capital and labor are applied to fit them for civilization. I am sustained in this view of the unprofitable character of these lands by the experience of preceding administrations. But they ought not to be sacrificed. The State can afford to hold them, and after a while, they will be sought, purchased and occupied, and thus add to the general wealth.

The reports of the Superintendent of Public Instruction, of the Superintendent of Public Works, of the Auditor, of the Secretary of State, of the Attorney General, of the Principals of the two Asylums, and of the Penitentiary Commissioners, will afford valuable information for your honorable body.

The revenue for the support of public schools, for the school year commencing October 1st, 1869, and closing September 30, 1870, was, from all sources, \$152,281 82. The amount paid during the year for wages of teachers was \$42,862 40. The amount actually paid into the treasury for schools for the year ending September 30, 1871, is \$90,407 80. There have been schools during the past year in seventy-four of the ninety counties. There are about eight hundred townships in the State, and schools have been kept in three hundred and fifteen of these, making about twelve hundred and fifty schools. It is estimated that about forty-five thousand children have attended these schools. Of these there were white, thirty two thousand six hundred and fifty, and colored, twelve thousand three hundred and fifty. The number of school-houses reported is seven hundred and nine, and the average monthly pay of teachers is twenty-four dollars.

Up to the commencement of the late war, North Carolina had the best system of common schools of any State south of the Potomac. In former days the leading public men of all parties vied with each other in caring for and promoting the education of all the children. Would that those days would return! Our present system is in its infancy, is poorly endowed, and has to contend with many difficulties. We should not despond in the prosecution of this good work. Every man and woman who loves North Carolina should lend a helping hand to this cause. It is vain to hope that the rising and coming generations will govern themselves properly, and guard and maintain their liberties, if they are deprived of the advantages of education and allowed to grow up in ignorance.

I trust that the government of the United States will turn its attention to this matter and establish a national system of public instruction. Such a policy on the part of that government would confer immeasurable benefits on the people of the Southern States, and would give the strength of adamant to the pillars which sustain the national edifice. I trust the Senators and Representatives in Congress from this State and from all the Southern States, will urge this subject on that body with an earnestness and perseverance which will take no denial.

I regret to inform you, gentlemen, that the State University is burdened with debt, and is in a languishing condition. I respectfully urge you to take some steps to sustain it, and to place it on a footing which will command the patronage of the people. All that I have ever desired, or do now desire in relation to this institution is, that national, and not sectional sentiments shall be inculcated in it. Let it be an institution of learning, to which the youths of the State will flock, to be fitted for educators and leaders of the people, and to adorn society in their day and generation. It has been suggested that the University be leased for a term of years to a person or persons who will conduct it properly, and who will labor to build it up as a State institution. There are various schemes by which it is hoped the University will be placed on a permanent footing. Without indicating any preference as to these schemes, but with an ardent desire to see the University again in a prosperous condition, I submit the whole matter to the Trustees and to your honorable body.

I cannot dismiss this subject without bearing my testimony to the energy and zeal which have characterized the President and Professors of this institution. It is due also to the Rev. S. S. Ashley, the Superintendent of Public Instruction, and to Rev. J. W. Hood, his Assistant, to state that they have been unwearied in the discharge of their duties, and that the success of our public school system thus far is to be attributed in a great degree to their enlightened and well-directed efforts.

A large proportion of our people are farmers. Agriculture is, therefore, a subject of primary importance. The preservation of the original fertility of the soil, and the increase of its fertility, depend on the practice of a few fundamental principles. These principles are simple, and can be easily comprehended by any one of ordinary intellect. By observing these principles population is increased, the interests of society are promoted, and the enjoyments of life are multiplied. It is the duty, as it is to the interest of every State and every community to encourage the acquisition of knowledge in farming. The simple elements of Agriculture should be taught in all our schools, both public and private, as well as in the University and in the Colleges. I respectfully and earnestly appeal to you, gentlemen, to give this subject your attention, and to devise such means as may be in your power to spread the knowledge of Agriculture among the people and to benefit the farming interests. The State Fairs and the County Fairs should be encouraged. An annual appropriation of \$25,000 to these Fairs would repay the State four-fold in increased production, and in the excellence of production of all kinds.

The Insane Asylum has been conducted with remarkable ability and success by its Superintendent, Dr. Eugene Grissom. It is now crowded to repletion with the unfortunate, and there are hundreds of insane who should be cared for, and who can not be received into the institution for the want of room. It is a sacred duty which we owe to these unfortunates, to their families, to society, and to ourselves, to make provision for every person within our borders who is thus afflicted. I am sure, gentlemen, that you concur with me in this, and that you will do all you can to provide for the insane who are deprived of the benefits of the Asylum.

Mr. Wiley J. Palmer, for many years the efficient and zealous Principal of the State Institution for the Deaf and Dumb and Blind, has recently felt constrained, by a sense of duty to his family and to himself, to leave the State, and to accept a similar position in Canada, where his compensation is much better than it was here, coupled with the prospect of employment for life. The loss of Mr. Palmer is sensibly felt by the Institution, and the Board of Directors has not been able thus far to select a suitable successor. I commend this Institution to your attention and care, not doubting that you will do whatever may be best to promote its prosperity, and to provide further and still greater advantages for the comparatively benighted and helpless ones for whose benefit it was established.

The salaries of the Judges of the Supreme and Superior Courts are inadequate, and should be increased. The Attorney General is also inadequately remunerated. He is one of the most useful and indispensable officers of the government, and should receive a compensation at least equal to that allowed to the other heads of departments.

There are now two hundred and twenty convicts in the State penitentiary, and there are probably two hundred more in the various county prisons who should be in it. The contractors are progressing rapidly with the main building. The site is believed to be an excellent one; and the affairs of the penitentiary have in all respects been economically, honestly and ably managed by the Commissioners. This is an indispensable establishment, and should be pressed to completion as rapidly as the means of the State will allow.

The present government of North Carolina commenced its operations on the fourth day of July, 1868. This government is based on the political and civil equality of all men, and it was lawfully and constitutionally established by the whole people of the State. The State had just emerged from a protracted and desperate conflict with the government of our common country, in which many valuable lives and a vast amount of property had been sacrificed. It was hoped and expected that the government thus established, after so much suffering and so many calamities, would be allowed to move quietly forward, protecting all alike, dispensing its benefits with an equal hand, and preparing the way for a realization of that prosperity

which the State had formerly enjoyed. But the validity of the reconstruction acts was questioned, and the authority of the State was represented as having been derived in such a manner as to render it binding on the people only until an opportunity should be offered to throw it off. Combinations were formed in various parts of the State, of a secret character, the object of which was to render practically null and void the reconstruction acts, and to set at naught those provisions of the Federal and State constitutions which secure political and civil equality to the whole body of our people. My attention was first called to these combinations in October, 1868, and I then deemed it my duty to issue a proclamation, setting forth the nature of our government, the manner in which it had been established, vindicating its authority as a government not merely de facto, but de jure, and giving warning of the consequences that must follow, if any attempt should be made tosubvert the government, or to assail by force the right of suffrage as guaranteed to any portion of our citizens. In that proclamation I said: "Every race of men in this State is free. The colored citizen is equally entitled with the white citizen to the right of suffrage. The poor and humble must be protected in this right equally with the affluent and the exalted." It was also enjoined upon "all magistrates, sheriffs and other peace officers to be vigilant, impartial, faithful and firm in the discharge of their duties, magnifying and enforcing the law, ferreting out offenders, protecting the weak against the strong who may attempt to deprive them of their rights; to the end that the wicked may be restrained, the peace of society preserved, the good name of the State maintained, and the government perpetuated on the basis of freedom and justice to all."

And in April, 1869, after the General Assembly had passed "An act making the act of going masked, disguised or painted, a felony," I issued another proclamation setting forth this Act, and giving notice that "bands of men who go masked and armed at night, causing alarm and terror in neighborhoods, and committing acts of violence on the inoffensive and

defenceless," and "depredators and robbers, who live on the honest earnings of others," would be followed and made to feel the penalty due to their crimes.

And in October, 1869, I deemed it my duty to issue another proclamation, setting forth the fact that in the counties of Lenoir, Jones, Orange and Chatham, "there is, and has been tor some months past, a feeling of insubordination and insurrection, insomuch that many good citizens are put in terror for their lives and property, and it is difficult, if not impossible, to secure a full and fair enforcement of the law." I gave notice in this proclamation that violations of law and outarages in the aforesaid counties must cease; otherwise I would "proclaim those counties in a state of insurrection," and would "exert the whole power of the state to enforce the law, to protect those who are assailed or injured, and to bring criminals to justice."

And in March, 1870, I was forced by a sense of duty, to "proclaim and declare that the county of Alamance is in a state of insurrection."

And in June, 1870, I issued another proclamation, in which, on account of ten murders mentioned, committed in four counties, and other acts of violence, such as whipping, and the driving a state Senator from the State, I offered rewards for the arrest and conviction of murderers, amounting in the aggregate to a large sum. In this proclamation I denounced the outrages, such as murders and scourgings, by the Kuklux Klan, and also retaliation by others, such as the burning of stables, mills and dwelling houses; and I urged all officers, both civil and military, to aid in bringing offenders to justice and restoring peace and good order to those portions of the State.

And in July, 1870, I was forced by a sense of duty to "declare the county of Caswell in a state of insurrection."

These proclamations are printed in the "Appendix" to this document, and I trust every member of your honorable body will give them a careful perusal.

In addition to these proclamations I addressed letters to

various civil and military officers, and to citizens, urging the mecessity of repressing these outrages and of enforcing the law. For the space of twelve months, while the laws were thus being set at naught, and while grand juries were failing to find bills, or, if they were found, petit juries refused to convict, I was almost constantly importuned by letters, and in person, by many of the victims of these outrages, and was urged to adopt some means of protection to society, and especially to the victims of the secret combinations referred to.

These combinations were at first purely political in their character, and many good citizens were induced to join them. But gradually, under the leadership of ambitious and discontented politicians, and under the pretext that society needed to be regulated by some authority outside or above the law. their character was changed, and these secret Klans began to commit murder, to rob, whip, scourge and mutilate unoffending citizens. This organization or these combinations were called the Ku Klux Klan, and were revealed to the public, as the result of the measures which I adopted, as "The Constitutional Union Guards," " The White Brotherhood," and " The Invisible Empire." Unlike other secret political associations, they authorized the use of force, with deadly weapons, to influence the elections. The members were united by oaths which ignored or repudiated the ordinary oaths or obligations resting upon all other citizens to respect the laws and to uphold the government; these oaths inculcated hatred by the white race against the colored race; the members of the Klan, as above stated, were hostile to the principles on which the government of the state had been reconstructed, and, in many respects, hostile to the government of the United States. They met in secret, in disguise, with arms, in a dress of a certain kind intended to conceal their persons and their horses, and to terrify those whom they menaced or assaulted. They held their camps, and under their leaders they decreed judgment against their peaceable fellow-citizens, from mere intimidations to scourgings, mutilations, the burning of

churches, school-houses, mills, and in many cases to murder. This organization, under different names, but cemented by a common purpose, is believed to have embraced not less than forty thousand voters in North Carolina. It was governed by rules more or less military in their character, and it struck its victims with such secrecy, swiftness and certainty as to leave them little hope either for escape or mercy. The members were sworn to obey the orders of their camps even to assassination and murder. They were taught to regard oaths administered before magistrates and courts of instice, as in no degree binding when they were called upon to give testimony against their confederates. They were sworn to keep the secrets of the order-to obey the commands of the Chief-to go to the rescue of a member at all hazards, and to swear for him as a witness, and acquit him as a juror. Consequently, Grand Juries in many Counties frequently refused to find bills against the members of this Klan for the gravest and most flagrant violations of law; and when bills were found, and the parties were arraigned for trial, witnesses, members of the order, would in nearly every case come forward, and, taking an oath before the Court on the Holy Evangelists to tell the truth, the whole truth, and nothing but the truth, would swear falsely, and would thus defeat the ends of justice. There are, at least, four Judges and four Solicitors in the State who will bear witness to the fact, from their own experience, that it was very difficult, if not impossible, to convict members of this Klan of crimes and misdemeanors. I have information of not less than twenty-five murders committed by members of this Klan, in various Counties of the State, and of hundreds of cases of seourging and whipping. Very few, if any, convictions have followed in these cases. The civil law was powerless. One State Senator was murdered in the open day in a County Courthonse, and another State Senator was driven from the State, solely on account of their political opinions. In neither case was a bill found by a Grand Jury. A respectable and unoffending colored man was taken from his bed at night, and

hanged by the neck until he was dead, within a short distance of a County Court-house. Another colored man was drowned, because he spoke publicly of persons who aided in the commission of this crime. No bills were found in these cases. A crippled white man, a native of Vermont, was cruelly whipped because he was teaching a colored school. No bill was found in this case. The Sheriff of a County was waylaid, shot and killed on a public highway, and the Colonel of a county was shot and killed in the open day, while engaged in his usual business. A County jail was broken open, and five men taken out and their throats cut. Another jail was broken open, and men taken out and shot, one of whom died of his wound. Another jail was broken open, and a United States' prisoner released. No punishments followed in these cases. The members of this Klan, under the orders of their Chiefs, had ridden through many neighborhoods at night, and had punished free citizens on account of their political opinions, and had so terrified many of them by threats of future visitations of vengeance that they fled from their houses, took refuge in the woods, and did not dare to appear in public to exercise their right of suffrage. Some of these victims were shot, some of them were whipped, some of them were langed, some of them were drowned, some of them were tortured, some had their mouths lacerated with gags, one of them had his ear cropped, and others, of both sexes, were subjected to indignities which were disgraceful not merely to civilization but to humanity itself. The members of this Klan, under the orders of their Chiefs, had ridden, defiantly and unmolested, through the towns of Hillsborough, Chapel Hill, Pittsborough and Graham, committing crimes, detying the lawful authorities, and causing real alarm to all good people. In fine, gentlemen, there was no remedy for these evils through the civil law, and but for the use of the military arm, to which I was compelled to resort, the whole fabric of society in the State would have been undermined and destroyed, and a reign of lawlessness and anarchy would have been established. The present State

government would thus have failed in the great purpose for which it was created, to-wit: the protection of life and property under equal laws; and, necessarily the national government would have interfered, and, in all probability, would have placed us again and for an indefinite period under military rule.

In June, 1869, about twelve months before I declared the Counties of Almance and Caswell in a state of insurrection, I caused eighteen men, murderers and robbers, to be arrested in Lenoir and Jones. They were examined before Judge Thomas. Five of them turned State's evidence, and exposed the secrets of the Klan and the crimes of their confederates. None of them have been convicted. Yet the result of these arrests was, that peace and order were almost immediately reestablished in those Counties.

In the early part of 1870 I employed, in Chatham, Capt. N. A. Ramsay, and in Orange, Capt. Pride Jones, both belonging to the political party opposed to my administration, to aid in repressing the Ku Klux and in composing the troubles in those Counties. They performed their duty in a manner which entitles them to the thanks of every friend of law and order.

In July, of the present year, I deemed it my duty to embody a portion of the militia, and to make a number of arrests of suspected persons in the Counties of Alamance and Caswell. I exercised this power by virtue of the State Constitution, which declares that "the Governor shall be Commander-in-Chief, and have power to call out the militia to execute the law, suppress riots or insurrection, and to repel invasion." And also by virtue of an act of the General Assembly, passed at the session of 1869–'70, which provides that the "Governor is hereby authorized and empowered, whenever in his judgment the civil authorities in any County are unable to protect its citizens in the enjoyment of life and property, to declare such County to be in a state of insurrection, and to call into active service the militia of the State to such an extent as may become necessary to suppress such insurrection; and in such

case the Governor is further authorized to call upon the President for such assistance, if any, as in his judgment may be necessary to enforce the law."

This was my authority, gentlemen, for the course which I adopted in this grave emergency. It was my sworn duty, as Chief Magistrate of the State, "to execute justice and maintain truth." I was satisfied that the civil authorities in the Counties referred to were not able to protect their citizens in the enjoyment of life and property; and, after much forbearance, and many remonstrances, and when patience was exhausted, I could adopt no other course which promised to restore civil law and to re-establish peace and order in those Counties.

Many of the persons thus arrested were examined before the Chief Justice and two of the Associate Justices of the Supreme Court, in this City, and forty-nine of them were bound over to appear and answer to the Superior Courts of Caswell and Alamance. It is supposed that not less than twenty or thirty of the worst characters in Caswell and Alamance and other Counties, have fled the State, to escape arrest and punishment for their numerous erimes.

The correspondence between the Chief Justice and myself in relation to these matters, and all the material evidence elicited in the cases, are given in the Appendix to this document, to which I invite your attention.

I did not proceed to final action in this matter until I had consulted the President of the United States, which I did in person in July last. It will be seen, by his letter published in the Appendix, that he sustained me in my action. The federal troops in the State at that time were re-inforced by his order, and every precaution was taken to prevent resistance to the steps which I deemed absolutely indispensable to the restoration of the civil law and the re-establishment of peace and order.

The report of the Adjutant General, which will be laid before you, will contain information as to the operations of the militia in Alamance and Caswell, and statements of the expenses of the same. Any information on this or other subjects which the General Assembly may desire, will be promptly and cheerfully furnished.

The result of this action on the part of the Executive, in pursuance of the Constitution and the laws, has been in the highest degree fortunate and beneficial. The power of the State government to protect, maintain, and perpetuate itself has been tested and demonstrated. The secret organization which disturbed the peace of society, which was sapping the foundations of the government, setting the law at defiance, and inflicting manifold wrongs on a large portion of our people, has been exposed and broken up. Well meaning honest men, who had been decoved into this organization, have availed themselves of this opportunity to escape from it, and will henceforth bear their testimony against it as wholly evil in its principles and its modes of operation. A score or more of wicked men have been driven from the State, while those of the same character who remain have been made to tremble before the avenging hand of power. The majesty of the law has been vindicated. The poor and the humble now sleep unmolested in their houses, and are no longer scourged or murdered on account of their political opinions. Peace and good order have been restored to all parts of the State, with the exception of the County of Robeson, in which some murderers and rob bers are still at large, but it is expected they will speedily be arrested and brought to punishment. In view of this altered and gratifying condition of things I issued another proclamation on the 10th of this month, revoking former proclamations which placed Alamance and Caswell in a state of insurrection. Allow, me, gentlemen, to say to you in the language of this proclamation of the 10th instant, that I trust that peace and good order may continue; that partizan rancor and bitterness may abate; that all our people of all classes and conditions may cultivate harmony and good will among themselves; and that the whole people of the State, without respect to party, may unite traternally and cordially to build up North Carolina,

and to elevate her to the proud eminence which she once occupied as a member of the American Union.

It will afford me pleasure, gentlemen, to co-operate with you in such measures as may be considered best calculated to promote the prosperity and happiness of our people.

I have the honor to be, with great respect,

Your obedient servant,

W. W. HOLDEN.

Mr. Moore moved to print five copies of the message for the use of each member of the Senate.

The motion to print was, on motion of Mr. Graham, laid upon the table.

A message was received from the House of Representatives transmitting the following engrossed bills, and House bill No. 2:

A bill to be entitled an act to extend the time for collecting and paying over tax for county purposes of Cleaveland, which was read first time, passed and referred to the committee on propositions and grievances.

A bill to be entitled an act to abolish the office of State Printer and for other purposes, which was read first time, passed and ordered to be placed on the calendar.

Mr. Robbins, of Rowan, introduced a resolution concerning the election in the 26th Senatorial district, which was read.

The question recurring upon the adoption of the resolution, the yeas and nays were demanded.

The Senate agreed thereto, and the resolution was adopted. Yeas 37; Nays none.

Affirmative—Messrs. Adams, Allen, Albright, Beasley, Bellamy, Battle, Barnett, Currie, Cowles, Crowell, Cook, Council, Dargan, Eppes, Flythe, Fleming, Graham, Gilmer, King, Latham, Lehman, Linney, Love, McCotter, Moore, McClammy, Murphy, Morehead, Mauney, Merrimon, Norment, Robbins of Rowan, Robbins of Davidson, Troy, Warren, Worth and Whitesides—37.

None voting in the negative.

Engrossing Clerk was duly qualified and entered upon the discharge of his duties.

On motion of Mr. Moore, the Senate adjourned until Monday morning ten o'clock.

### SEVENTH DAY.

SENATE CHAMBER, November 28th, 1870.

The Senate met pursuant to adjournment.

Prayer by Rev. R. M. Norment.

Journal of Saturday was read. .

John A. Hyman presented his credentials as Senator elect from the 20th Senatorial district, and was duly qualified.

The Chair announced the following Standing Committees: On Propositions and Grievances—Messrs. Love, Speed, McCotter, Crowell, Brogden, Council and Waddell.

On Claims—Messrs. Latham, Fleming, Brogden, Currie, Norment, Troy and Hyman.

On Judiciary—Messrs. Warren, Graham, Lehman, Dargan, Olds, Jones and Gilmer.

On Internal Improvements—Messrs. Robbins of Rowan, Merrimon, Smith, Morehead, Hawkins, Skinner and McClammy.

On Education—Messrs. Gilmer, Robbins of Davidson, Lassiter, Battle, Warren, Ledbetter and Price.

On Military Affairs—Messrs. Allen, Dargan, Bellamy, Albright, Cook, Adams and Hawkins.

On Agriculture—Messrs. Worth, Skinner, Flythe, Murphy, McCotter, Albright and Eppes.

On Finance—Messrs. Jones, Cowles, Lehman, Mauney, Lassiter and Graham.

On Corporations—Messrs. Moore, Murphy, Morehead, Merrimon, Beasley, Waddell and Robbins of Davidson.

On Penal Institutions—Messrs. Graham, Troy, Olds, Gilmer, Allen, Barnett and McClammy.

The following named gentlemen were announced on the part of the Senate as members of the Joint Standing Committees:

On Public Buildings and Grounds—Messrs. Fleming, Bellamy and Linney.

On Deaf, Dumb and Blind Asylum—Messrs. Ledbetter, Hawkins and Council.

On Insane Asylum—Messrs. Murphy, McCotter and Love. On Enrolled Bills—Messrs. Robbins, of Davidson, Barnett and Merrimon.

On Penal Institutions-Messrs. Graham, Olds and Gilmer.

On Printing-Messrs. Mauney, Brogden and Crowell.

Messrs. Robbins, of Rowen, Brogden and Speed were appointed as members of the Select Committee concerning the election in the 26th Senatorial district.

Mr. Dargan, on behalf of the Select Committee to prepare rules for the government of the Senate, submitted the following report:

# SENATE RULES OF ORDER.

### ORDER OF BUSINESS.

- 1. The President having taken the Chair at the hour to which the Senate shall have adjourned, and a quorum being present, the Journal of the preceding day shall be read, to the end that any mistakes therein may be corrected.
- 2. After the reading and approval of the Journal, the order of business shall be as follows:
  - 1. The Presentation of Petitions.
  - 2. Reports of Standing Committees.
  - 3. Reports of Select Committees.
  - 4. Messages from the Governor.
  - 5. Communications and Reports from State Officers.

- 6. Messages from the House of Representatives.
- 7 Introduction of Bills.
- 8. Motions and Resolutions.
- 9. Unfinished Business of Preceding Day.
- 10. Special Orders.
- 11. General Orders; first, bills on third reading; second, bills on second reading; but messages from the Governor and House of Representatives, and communications and reports from State officers, and reports from the Committee on Engrossed Bills, may be received under any order of business.
- 3. The President shall appoint all committees, unless otherwise ordered by the Senate.
- 4. He shall have the right to name any member to perform the duties of the Chair, who is hereby vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding, nor shall his power as such substitute continue for a longer period than two days, without leave of the Senate.
  - 5. He shall assign to Doorkeepers their respective duties and stations.
  - 6. He shall certify the passage of bills by the Senate, with the date thereof, together with the fact whether passed as majority, three-fifths or two-thirds bills, as required by the Constitution or laws of this State.

### OF THE CLERK.

- 7. The President and Clerk of the Senate shall see that all bills shall be acted upon by the Senate in the order in which they are reported and stand upon the calendar, unless otherwise ordered by two-thirds of the Senators present. The calendar shall also in like manner and form include the number and title of bills and joint resolutions which have passed the House of Representatives and been received by the Senate for concurrence.
  - 8. It shall be the duty of the Clerk to have the documents

and bills properly placed upon the files of the President and Senators, in the order of their numbers, and it shall be his duty to see that the mails are punctually delivered.

9. He shall transmit such bills as shall have originated in the Senate and been passed by both Houses, to the Secretary of State, and enter the same on the Journal.

### OF THE RIGHTS AND DUTIES OF SENATORS.

- 10. Every Senator presenting a paper shall endorse the same; if a petition, memorial, or report to the General Assembly, with a brief statement of its subject or contents, adding his name; if a resolution, with his name; if a report of a Committee, a statement of such report, with the name of the Committee and member making the same; if a bill, a statement of its title, with his name.
- 11. No member shall speak to another, or otherwise interrupt the business of the Senate, or read any newspaper, while the Journals or public papers are being read; when the President is putting a question, or a division by counting shall be had, no Senater shall walk out of, or across the house, nor when a Senator is speaking, pass between him and the President.
- 12. Every Senator wishing to speak or debate, or to present a petition or other paper, make a motion or report, shall rise from his seat and address the President, and shall not proceed further until recognized by him. No Senator shall speak more than twice the same day on the same subject, without leave of the Senate; and when two or more Senators rise at once, the President shall name the Senator who is first to speak.
- 13. Every Senator who shall be within the bar of the Senate when a question is stated by the Chair, shall vote thereon, unless he shall be excused by the Senate, or unless he be directly interested in the question; and the bar of the Senate shall include so much of the body of the Senate Chamber as is within the columns.

- 14. Any Senator requesting to be excused from voting may make, either immediately before or after the vote shall have been called, and before the result shall have been announced, a brief statement of the reasons for making such request, and the question shall then be taken without debate.
- 15. When a motion to adjourn, or for a recess, shall be affirmatively determined, no member or officer shall leave his place till the adjournment or recess shall be declared by the President.
- 16. Standing Committees, consisting, unless otherwise ordered, of seven members, shall be appointed by the President, on the following subjects:
  - 1. Propositions and Grievances.
  - 2. On Privileges and Elections.
  - 3. On Claims.
  - 4. On Judiciary.
  - 5. On Internal Improvements.
  - 6. On Education.
  - 7. On Military Affairs.
  - 8. On Agriculture, Mechanics and Mining.
  - 9. On Banks and Currency.
  - 10. On Corporations.
  - 11. On Finance.

A Standing Committee on Engrossed Bills, to consist of three Senators, shall be appointed by the President.

- 17. The Committee on Engrossed Bills shall examine all bills, amendments and resolutions, before they go out of the possession of the Senate, and make report when they find them correctly engrossed; they shall also compare such amendments as may be made in the Senate to bills originating in the House of Representatives, and that are concurred in by the House of Representatives, after they shall have been re-engrossed in the House of Representatives, for the purpose of seeing if they are correctly engrossed.
- 18. Every report of a Committee upon a bill or resolution which shall not be considered at the time of making the same,

or laid on the table by a vote of the Senate, shall stand upon the General Orders with the bill or resolution.

## OF GENERAL ORDERS AND SPECIAL ORDERS.

- 19. The matters not referred to any Committee, shall be placed on the list of General Orders, and the business of the General Orders, shall be taken up as follows, viz: The Clerk shall announce the title of each bill, with the printed number, or other matter as it shall be reached in its order, when it may be taken up on the motion of any Senator, without the putting of any question therefor; but if not so moved, it shall lose its preference for the day.
- 20. Any bill or other matter may be made a Special Order for a particular day or hour by a vote of two-thirds of the Senators voting, and if it shall not be completed on that day, it shall retain its place in the General Orders, unless it shall be made a Special Order for another day; and when a Special Order is under consideration, it shall take precedence of any Special Order for a subsequent hour of the same day; but such subsequent Special Order may be taken up immediately after the previous Special Order has been disposed of.

#### OF BILLS.

- 21. Every bill shall be introduced by motion for leave or on the report of a Committee, or by message from the House of Representatives.
- 22. When a bill shall be reported by a committee, and not otherwise disposed of, the question shall be, "Shall the report be received?" and when the report of such Committee shall be received, and the bill not otherwise disposed of, the bill shall be placed upon the calendar.
- 23. Every bill shall receive three readings, previous to its being passed, and the President shall give notice at each, whether it be the first, second or third. After the first read-

ing, unless a motion shall be made by some Senator, it shall be the duty of the President to refer the subject matter to an appropriate Committee. No bill shall be amended until it shall have been twice read, and no bill shall be read a third time out of its regular order, nor on the same day on which it passed its second reading, unless on a vote of two-thirds of all the Senators present.

24. The question on the final passage of every bill shall be taken by yeas and nays, which shall be entered on the journal, and unless the bill receive the number of votes required by the Constitution to pass it, it shall be declared lost, if a constitutional quorum or the number necessary to pass such a bill be present and voting.

25. If, on taking the final question on a bill, it shall appear that a constitutional quorum is not present, or if the bill require a vote of a certain proportion of all the Senators to pass it, and it appears that such a number is not present, there shall be a call of the House, and if a quorum is ascertained to be present, the bill shall be again read and the final question taken thereon, if the bill fail the second time for the want of a quorum or the necessary number being present and voting, the bill shall not be finally lost but shall be returned to the calendar in its proper order.

26. When a question is before the Senate, no motion shall be received, except as herein specified; which motions shall have precedence in the order stated, viz:

- 1. For an Adjournment or Recess.
- 2. For the Previous Question.
- 3. To lay on the Table.
- 4. To Postpone Indefinitely.
- 5. To Postpone to a Day Certain.
- 6. To Commit to a Standing Committee.
  - 7. To Commit to a Select Committee.
  - 8. To amend.

The motions to adjourn and lay on the table shall be decided

without debate, and the motion to adjourn shall always be in order when made by a Senator entitled to the floor.

27. The previous question shall be as follows: "Shall the main question be now put?" and until it is decided shall preclude all debate. If this question shall be deicded in the affirmative, the "main question" shall be on the passage of the bill, resolution or other matter under consideration; but when amendments are pending the question shall be first taken upon such amendments in their order without further debate. If such question be decided in the negative, the main question shall be considered as remaining under debate.

28. All motions shall be reduced to writing, if desired by the President or any Senator, delivered in at the table, and read by the President or Clerk, before the same shall be debated; but any such motion may be withdrawn at any time before decision or amendment.

29. If any question contain several distinct propositions, it shall be divided by the President, at the request of any Senator; *Provided*, Each sub-division, if left to itself, shall form a substantive proposition.

30. The respective motions to postpone to a day certain, or commit, shall preclude debate on the main question.

31. When a blank is to be filled, and different sums or time shall be proposed, the question shall be first taken on the highest sum and the longest time.

32. When a question has been once put and decided, it shall be in order for any Senator who shall have voted in the majority, to move a reconsideration thereof; but no motion for the reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment or motion, upon which the vote was taken, shall have gone out of the possession of the Senate. No bill or resolution shall be sent from the Senate on the day of its passage, except on the last day of the session or by a vote of two-thirds of the Senators present. Nor shall any motion for reconsideration be in order unless made on the same day, or the next following legislative day

on which the vote proposed to be reconsidered shall have taken place. Nor shall any question be reconsidered more than once.

- 33. All concurrent resolutions shall lie on the table at least one day.
- 34. All questions relating to the priority of business shall be decided without debate.
- 35. When the reading of a paper is called for, except petitions, and the same is objected to by any Senator, it shall be determined by a vote of the Senate, without debate.
- 36. No remark reflecting personally upon the action of any Senator shall be in order in debate, unless preceded by a motion or resolution of investigation or censure.
- 37. When a Senator shall be called to order, he shall take his seat until the President shall have determined whether he was in order or not; if decided to be out of order, he shall not proceed without the permission of the Senate, and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator, and if a Senator be called to order for words spoken, the exceptional words shall be immediately taken down in writing, that the President or Senate may be better enabled to judge of the matter.

#### MISCELLANEOUS.

- 38. Any Senator introducing a bill to amend a law, shall repeat in said bill, the section as it will stand if the proposed amendment be adopted.
- 39. No smoking shall be allowed within the Senate Chamber.
- 40. Senators and visitors shall uncover their heads upon entering the Senate Chamber while the Senate is in session, and shall continue uncovered during their continuance in the Chamber.
  - 41. No Senator or officer of the Senate shall depart the ser-

vice of the Senate without leave, or receive pay as a Senator or officer for the time he is so absent.

- 42. No person other than the Executive and Judicial officers of the State, members and officers of the Senate and House of Representatives, unless on invitation of the President, or by a vote of the Senate, shall be admitted within the bar.
- 43. No rule of the Senate shall be altered, suspended or rescinded without a vote of a majority of all the Senators elected; and no motion to suspend shall embrace more than one rule or relate to any other subject than the one specified in said motion.
- 44. In case a less number than a quorum of the Senate shall convene, they are hereby authorized to send the Doorkeeper or any other person for any or all absent Senators as the majority of Senators present shall determine.

The report was concurred in.

Mr. Smith introduced a bill to be entitled an act to repeal an act entitled an act to authorize the Dan River Coal Field Company, to construct and extend their road, which was read the first time, passed and referred to committee on internal improvements.

The rules having been suspended, Mr. Robbins, of Davidson, introduced a bill to be entitled an act to provide for a Special Term of the Superior Court of Davidson county, which was read first time and passed.

The rules having been suspended, the bill was read and passed the second and third times. Yeas 40; Nays 2.

Affirmative.—Messrs. Adams, Albright, Barnett, Battle Beasley, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Flemming, Flythe, Gilmer, Graham of Orange, Hawkins, King, Lassiter, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Price, Skinner, Smith, Speed, Troy, Waddell, Whitesides and Worth—40.

Negative.—Messrs. Bellamy and Hyman—2.

Mr. Battle introduced a bill to be entitled an act to change the line between the counties of Nash and Edgecombe, which was read first time, passed and referred to committee on propositions and grievances.

Mr. Gilmer introduced a bill to be entitled an act to extend the time for collecting and paying over the taxes for county purposes for the county of Alamance, which was read the first time and passed.

The rules having been suspended, the bill was put upon its second reading. It was moved to amend the bill by inserting the names of the sheriffs and tax collectors of the following counties, to wit: Wilkes, Columbus, Craven, Richmond, Buncombe, Robeson, Jones, Alexander, Lenoir, Henderson, Transylvania, Carteret, Watauga, Gates, Chowan, Perquimans, Pasquotank, Cainden, Curritnek, Burke, Caldwell, Wayne, Greene, Granville, Northampton, Yadkin, Surry, Halifax, Warren, Caswell, Cumberland, Harnett, Clay, Cheroke, Macon, Jackson, Haywood, Stokes, Forsythe, Iredell, Johnston, Bertie, Chatham, Yancey, McDowell, Mitchell and Madison.

Mr. King moved to amend the amendment so as to make the provisions of the bill extend to all the sheriffs and tax collectors in the State, and upon the motion demanded the yeas and nays. The Senate agreed there to and the amendment to the amendment did not prevail. Yeas 20; Nays 26.

Affirmative.—Messrs. Albright, Beasley, Brogden, Cook, Council, Cowles, Currie, Eppes, Flythe, Hyman, King, Latham, Ledbetter, Lehman, Linney, Love, McCotter, Moore, Norment and Waddell—20.

Negative.—Messrs. Adams, Allen, Barnett, Battle, Bellamy, Growell, Dargan, Flemming, Gilmer, Graham of Orange, Hawkins, Jones, Lassiter, McClammy, Merrimon, Morehead, Murphy, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Whitesides and Worth—26.

The question then recurring upon the amendment, it did not prevail. The bill then passed the second time.

Mr. Barnett moved to amend the bill, so as to make its pro-

visions apply to the sheriff of Caswell county. The amendment prevailed and the bill passed the third time. Yeas 46; Nays none.

Affirmative.—Messrs. Adams, Albright, Allen, Barnett, Battle, Beasley, Bellamy, Brogden, Cook, Council, Cowles, Currie, Dargan, Eppes, Fleming, Flythe, Gilmer, Graham of Orange, Hawkins, Hyman, Jones, King, Lassiter, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Norment, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell, Whitesides and Worth—40.

Negative.-None.

The rules having been suspended, Mr. Love introduced a bill to be entitled an act to repeal chapter 52, laws of 1869–770, which was read first time and passed. The bill was then read the second time.

Mr. Gilmer moved to amend by adding to section 1 the words, "and section four, of chapter 35 of the Revised Code, be re-enacted in the room and stead thereof." The amendment prevailed and the bill passed the second and third times. Yeas 43; Nayes 0.

Affirmative—Messrs. Adams, Albright, Allen, Beasley, Bellamy, Brogden, Council, Cowles, Crowell, Currie, Dargan, Eppes, Fleming, Flythe, Graham of Orange, Hawkins, Jones, King, Lassiter, Latham, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Mcrehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Smith, Speed, Troy, Waddell, Witesides and Worth—43.

The chair announced Messrs. Currie, Lassiter and Linney as the Committee on Engrossed Bills.

The rules having been suspended, Mr. Robbins, of Rowan, introduced a resolution declaring that in the opinion of the Senate this General Assembly was organized on Monday, November 21st inst., and that proceedings ought to be begun on Tuesday, November 29th, for the election of a United States.

Senator, in accordance with the law, which after discussion, was adopted.

Mr. Merrimon introduced a bill to be entitled an act to repeal chapter twenty-seven, laws of 1869–'70, which was read first time, passed and referred to committee on the judiciary.

On motion of Mr. Price, the Senate adjourned.

## EIGHTH DAY.

SENATE CHAMBER, November 29th, 1870.

The Senate met pursuant, to adjournment.

Prayer by Rev. James Grayson, Representative from Mc-Dowell county.

The journal of yesterday was read.

Mr. Currie, from the Committee on Engrossed Bills, reported engrossed Senate resolution No. 29, which was ordered to be sent to the House of Representatives for concurrence.

Mr. Worth introduced a bill requiring sheriffs and coroners to give notice to parties in whose favor they have process for collection of money, which was read first time, passed and referred to committee on judiciary.

Mr. Currie introduced a bill for the relief of James Cashwell, tax collector of Bladen county, which was read first time, passed and referred to committee on propositions and grievances.

Mr. Love introduced a bill for the relief of sheriffs and tax collectors of the State, which was read the first time, passed and referred to the committee on finance.

Mr. Flythe introduced a resolution in favor of the sheriff of Northampton county, which was read first time and passed. The rules having been suspended, the bill was read second time, and passed and put upon its third reading. Mr. Cook moved an amendment extending the provisions of the bill to J. T. Furguson, sheriff of Wilkes county.

Mr. Worth moved to amend the amendment by adding the tollowing proviso, to wit: "Provided the sheriffs shall first show a receipt for the payment of all costs incurred.

The amendment of Mr. Worth prevailed, and the question recurring upon the amendment of Mr. Cook, as amended, was adopted. The question then recurring upon the passage of the bill as amended, the bill passed the third time. Yeas 42; Nays 1.

Affirmative.—Messrs. Adams, Allen, Albright, Beasley, Bellamy, Brogden, Barnett, Currie, Cowles, Cook, Council, Dargan, Eppes, Flythe, Flemming, Graham, Gilmer, Hawkins, Hyman, Jones, King, Latham, Lassiter, Ledbetter, Lehman, Linney, Love, McCotter, Moore, McClammy, Murphy, Morehead, Mauney, Merrimon, Norment, Olds, Robbins of Rowan, Robbins of Davidson, Skinner, Troy, Waddell and Worth—42.

Mr. Battle voted in the negative.

On motion of Mr. Fleming, leave of absence until Monday morning next was granted to Mr. Jones.

A message was sent to the House of Representatives informing that body that the Senate would at 12 o'clock M. proceed to ballet for a United States Senator to fill the term beginning 4th March, 1871, and that Messrs. Morehead and Moore were appointed a committee on part of the Senate to superintend said ballot.

Mr. Smith introduced a bill to be entitled an act to amend the charter of the North Carolina Railroad Company for the purpose of conferring on said company banking powers and privileges, which was read first time, passed and referred to the committee on finance.

Mr. Moore introduced a resolution to appoint a committee of five to ascertain what counties had armed militia in them on the 4th day of August, 1870, which was read.

Mr. Murphy moved the indefinite postponement of the resolution.

After discussion, Mr. Graham moved to lay the resolution upon the table. Upon this motion the yeas and nays were demanded. The Senate agreed thereto and the motion to lay upon the table prevailed. Yeas 33; Nays 12.

Affirmative.—Messrs. Adams, Allen, Albright, Bellamy, Battle, Currie, Cowles, Crowell, Cook, Council, Dargan, Fleming, Graham, Gilmer, Jones, Latham, Ledbetter, Linney, Love, McClammy, Murphy, Morehead, Mauney, Merrimon, Norment, Robbins of Rowan, Robbins of Davidson, Speed, Skinner, Troy, Waddell, Worth and Whitesides—33.

Negative.—Messrs. Beasley, Brogden, Eppes, Flythe, Hawkins, Hyman, King, Lassiter, Lehman, McCotter, Moore and Olds—12.

Mr. Cook introduced a resolution in favor of J. W. Hays, late sheriff of Wilkes county, which was read first time, passed and referred to committee on propositions and grievances.

Mr. Jones presented a memorial from Robert R. Heath, concerning salary due him as a judge of the Superior Court, which was read and referred to committee on propositions and grievances.

On motion of Mr. Cowles, leave of absence was granted to Mr. Adams until Monday next.

Mr. Speed introduced a resolution to consolidate the late debt, which was read, and the further consideration thereof postponed until the second Monday in December next.

Mr Lehman moved to take from the table the report of the Code Commissioners. The motion did not prevail.

Mr. Brogden gave notice of his intention to move an amendment to the Rules of Order of the Senate abolishing the previous question.

The consideration of bills on their second reading being now in order, engrossed House bill No. 4, it being a bill to abolish the office of State Printer and for other purposes, was taken from the calendar and read second time. Mr. Morehead offered a substitute proposing to raise a Joint Select Committee of three on the part of the House and two of the Senate, to let and make contracts for the public printing, upon such terms as they may deem reasonable.

Mr. Graham moved to amend the substitute by striking out in the first section all the words down to the words "to let," and inserting the words, the "joint committee on printing." The amendment prevailed.

The hour of 12 M. having arrived, further consideration of the bill before the Senate was postponed for the present.

On motion of Mr. Whitesides, a message was sent to the House of Representatives, informing that body that the Senate was about to proceed to ballot for United States Senator, and that Hon. Zebulon B. Vance, of Mecklenburg, and Hon. Joseph C. Abbott were in nomination in the Senate.

The Senate then proceeded under the superintendence of Messrs. Morehead and Moore, to ballot for a United States Senator for the term beginning 4th March, 1870.

Mr. Moore, from the committee to superintend the ballot, reported that forty-eight votes had been cast in all, of which, Zebulon B. Vance received thirty-two votes, J. C. Abbott received eleven votes, W. A. Graham received one vote, Alfred Dockery received one vote, M. W. Ransom received one vote, E. J. Warren received one vote, J. A. Gilmer received one vote.

Those who voted for Mr. Vance are,

Messrs. Adams, Allen, Albright, Battle, Curric, Cowles, Crowell Cook, Council, Dargan, Fleming, Graham, Gilmer, Jones, Latham, Ledbetter, Linney, Love, McClammy, Murphy, Morehead, Mauney, Merrimon, Norment, Robbins of Rowan, Robbins of Davidson, Speed, Skinner, Troy, Waddell, Worth and Whitesides—32.

Those who voted for Mr. Abbott are,

Messrs. Bellamy, Brogden, Eppes, Hawkins, Hyman, King, Lassiter, Lehman, Moore, Olds and Price—11.

Mr. Beasley voted for Gen. Alfred Dockery; Mr. Barnett

voted for Hon. W. A. Graham; Mr. Flythe voted for Gen. M. W. Ransom; Mr. McCotter voted for Hon. E. J. Warren; Mr. Smith voted for John A. Gilmer, Esq.

The consideration of the bill to abolish the office of State Printer was then resumed.

Mr. Moore moved to amend the substitute by striking out the words "reasonable terms" and inserting the words "lowest responsible bidder."

Mr. Robbins, of Rowan, moved to amend the original bill by adding the following proviso, to-wit: "Provided, that the question of the responsibility of the bidders shall be within the discretion of the committee, who shall also be required in making arrangements respecting the printing to see that it be given to parties who will do it well and properly."

Mr. Morehead called for the previous question. The Senate sustained the call. The question first recurring upon the amendment of Mr. Robbins to the original bill, the amendment prevailed.

The question then recurring upon the amendment of Mr. Moore to the substitute, the yeas and nays were demanded by Mr. Moore.

The Senate agreed thereto, and the amendment did not prevail. Yeas 18; Nays 27.

Affirmative.—Messrs. Beasley, Bellamy, Brogden, Barnett, Eppes, Flythe, Hawkins, Hyman, King, Lehman, Love, McCotter, Moore, Olds, Price, Robbins of Rowan, Robbins, of Davidson and Whitesides—18.

Negative.—Messrs. Adams, Allen, Albright, Battle, Currie, Cowles, Crowell, Cook, Council, Dargan, Fleming, Graham, Gilmer, Jones, Latham, Ledbetter, Linney, McClammy, Murphy, Morehead, Merrimon, Norment, Speed, Skinner, Smith, Waddell and Worth—27.

The question then recurring upon the adoption of the substitute, Mr. Price demanded the year and nays.

The Senate agreed thereto, and the substitute as amended was adopted. Yeas 23; Nays 20.

Affirmative.—Messrs. Adams, Allen, Battle, Currie, Cowles, Cook, Dargan, Fleming, Graham, Jones, Latham, Linney, Love, McClammy, Murphy, Morehead, Manney, Merrimon, Norment, Speed, Skinner, Smith and Worth—23.

Negative.—Messrs. Beasley, Bellamy, Brogden, Barnett, Eppes, Flythe, Gilmer, Hawkins, Hyman, King, Ledbetter, Lehman, McCotter, Moore, Olds, Price, Robbins of Rowan, Robbins of Davidson, Waddell and Whitesides—20.

The question then recurring upon the passage of the bill as amended, the bill passed its second reading.

Leave of absence was granted Mr. Gilmer until Monday next.

On motion of Mr. Beasley, the Senate adjourned.

### NINTH DAY.

SENATE CHAMBER, November 30th, 1870.

The Senate met pursuant to adjournment.

Prayer by the Rev. R. M. Norment, Senator from Robeson county.

The journal of yesterday was read.

Mr. Love, from the Committee on Propositions and Grievances, reported back Scuate bill, No. 18, and Scnate bill, No. 20 (House bill, No. 2.) with the recommendation that they do pass.

The following bills were introduced, read and passed the first time and referred, as follows:

By Mr. Merrimon, a bill to be entitled an act to extend the suspension of the Code of Civil Procedure, in certain cases. Referred to committee on the judiciary.

By Mr. Smith, a bill to be entitled "an act to consolidate North Carolina Railroad Company and the North Western

North Carolina Railroad Company." Referred to the committee on internal improvements.

By Mr. Crowell, a bill to be entitled an act in relation to the Poor-house in Lin-coln county. Referred to committee on propositions and grievances.

By Mr. Love, a bill to be entitled act to repeal certain sections and amend others in chapter 270, laws of 1868-'9. Referred to the committee on the judiciary.

By Mr. Love, a bill to be entitled an act to repeal certain parts of chapter 170, laws 1868-'9. Referred to committee on judiciary.

Mr. Cowles introduced a resolution rescinding the Senate resolution, requesting the President of the Senate to have the deliberations of the Senate opened with prayer, and to raise a committee of two to wait upon the ministers of the Gospel in this city, and to make arrangements with them for the purpose. The resolution was adopted.

On motion of Mr. Whiteside's, leave of absence was granted to Mr. Murphy until Monday next.

Mr. Cook introduced a joint resolution to raise a Committee on Constitutional Reform, which was read and laid over under the rules.

On motion of Mr. Whiteside's, the rules were suspended and Senate bill, 20, engrossed House bill, No. 2, was put upon its second reading and passed.

On motion of Mr. Moore, leave of absence until Monday was granted to Mr. King.

Mr. Brogden introduced a resolution to amend the 29th Rule of Order of the Senate, by striking out the provision in said rule authorizing "the previous question" which, after discussion was, upon motion of Mr. King, laid upon the table.

Mr. Love introduced a resolution in regard to pages, which was read.

Mr. Price moved to amend by striking out the second section. The amendment did not prevail.

The question recurring upon its adoption, the resolution was adopted.

Mr. McCotter presented a memorial from George B. McCotter, and other citizens of Pitt county, praying for relief for said George B. McCotter, which was read.

Mr. McCotter introduced a resolution in favor of George B. McCotter, Tax Collector, Sheriff of Pitt county, which was read first time and passed.

On motion of Mr. Allen, the rules were suspended, and the resolution was put upon its second and third readings and passed. Yeas 39; Nays none.

Affirmative.—Messrs. Allen, Albright, Beasley, Bellamy, Battle, Brogden, Currie, Crowell, Cook, Council, Eppes, Flythe, Fleming, Graham, Hawkins, Hyman, King, Latham, Ledbetter, Lenney, Love, McCotter, Moore, McClammy, Murphy, Morehead, Mauney, Merrimon, Norment, Olds, Price, Robbins of Rowan, Robbins of Davidson, Speed, Smith, Troy, Waddell, Worth and Whitesides—39.

Negative.—None.

Mr. Currie, from the Committee on Engrossed Bills, reported as correctly engrossed, Senate Bill No. 22, and Senate Bill No. 31, which were sent by message to the House of Representatives for concurrence.

Mr Cowles, from the Committee on Finance, reported back Senate Bill No. 11, with recommendation that it do not pass.

The consideration of bills upon their third reading being now in order, S. B. 9, H. B. 4, to abolish the office of State Printer, and for other purposes, was taken up, read third time and passed. Yeas 35; Nays 7.

Affirmative.—Messrs. Allen, Albright, Bellamy, Battle, Brogden, Currie, Cowles, Crowell, Cook, Council, Flythe, Fleming, Graham, Hawkins, Hyman, Latham, Ledbetter, Linney, Love, McClammy, Murphy, Morehead, Mauney, Merrimon, Norment, Robbins of Rowan, Robbins of Davidson, Speed, Skinner, Smith, Troy, Waddell, Worth and Whitesides—35.

Negative.—Messrs. Beasley, Eppes, King, Moore, McCotter, Olds and Price—7.

The consideration of bills on their second reading being now in order, the following bills was acted on, as follows:

S. B. 18, in relation to the keeper of the capitol, read and passed second time; S. B. No. 1, a bill to appoint a commissioner to take election depositions, read the second time.

Mr. Graham moved the following amendments, which were severally adopted, to wit:

Strike out in first section, 10th line, words "counties of Granville and Person," and insert words, "twenty-first Senatorial district;" strike out in first section, 14th line, word counties and insert word district; strike out in first section, 17th line, words such witnesses and insert words "cause them;" strike out in second section to the words may apply, and insert words, "that either of the parties claiming to have been elected from said Senatorial district, their attorneys or agents;" insert after word county, in section two, 4th line, the words or to the Clerk of the Superior Court of Person county; in section three insert after word depositions, words in writing.

Insert following as additional sections before last section, to wit:

SEC. 6. That four days notice in writing of the time and place for taking depositions by said commissioner shall be given by him to the respective parties claiming to have been elected from said district, or to their attorneys or agents, unless the said notice shall be waived by them, such notice to be served by the sheriff of Granville or Person county, or by the commissioner in person, or any one appointed by him in writing to make such service.

SEC. 7. That any deposition or depositions heretofore lawfully taken touching the said contested election may be read in evidence, notwithstanding this act.

Mr. Price moved to amend by inserting the name of R. F. Lehman, Esq. The amendment did not prevail.

The hour of 12 M. having arrived, the turther consideration

of the bill was postponed for the present, and the Senate proceeded to the Hall of the House of Representatives for the purpose of ascertaining, in accordance with the law, the result of the ballot had on yesterday for United States Senator. Thereupon the Senate and the House of Representatives having gone into joint session, the President of the Senate directed the Principal Clerk of the Senate to read so much of the Journal of the proceedings of the Senate on yesterday as related to said ballot, which was accordingly done. The President of the Senate then directed the Principal Clerk of the House of Representatives to read so much of the journal of the proceedings of the House of Representatives of yesterday as related to said ballot, which was accordingly done.

The President of the Senate thereupon announced the result in the following words, to wit:

Senators and Members of the House of Representatives:

It appearing from the journals of the General Assembly of the State of North Carolina, that the two Honses composing the same did, on Thesday the 29th day of November, A. D. 1870, in conformity with law, proceed to elect a Senator to represent said State in the Congress of the United States for the term commencing on the 4th day of March, 1871, and ending on the 4th day of March, 1877, and it also appearing from said journals that the Honorable Zebulon B. Vance did, in said election, receive a majority of all the votes in each House of said General Assembly, I do, therefore, hereby declare that the said Zebulon B. Vance is duly elected Senator as aforesaid to represent the State of North Carolina in the Congress of the United States.

The Senate then rose and returned to its own chamber, and the consideration of the bill to take election depositions was resumed.

Mr. Norment moved to amend the bill by increasing the number of commissioners to three.

Upon this motion the yeas and nays were demanded. The Senate agreed thereto, and the amendment did not prevail. Yeas 13; Nays 25.

Affirmative.—Messrs. Beasley, Bellamy, Brogden, Cowles, Eppes, Flythe, Hawkins, Hyman, King, McCotter, Moore, Norment and Price—13.

Negative.—Messrs. Albright, Battle, Currie, Crowell, Cook, Council, Fleming, Graham, Latham, Linney, Love, McClammy, Murphy, Morehead, Mauney, Merrimon, Olds, Robbins of Davidson, Speed, Skinner, Smith, Troy, Waddell, Worth and Whitesides—25.

The bill as amended then passed the second time.

On motion of Mr. Robbins, of Rowan, the rules were suspended and the bill put upon its third reading.

Mr. King raised the point of order that the bill appropriated money, and that it was therefore not competent for the Senate to put it upon two readings on the same day.

The President having submitted the question for its decision, the Senate decided the point to have been not well taken.

The bill then passed its third reading. Yeas 30; Nays 7.

Affirmative—Messrs. Albright, Battle, Currie, Cowles Crowell, Cook, Council, Dargan, Fleming, Graham, Latham, Linney, Love. McCotter, McClammy, Murphy, Morehead, Mauney, Merrimon, Norment, Olds, Price, Robbins of Rowan, Robbins of Davidson, Speed, Skinner, Smith, Troy, Waddell, Worth and Whitesides—30.

Negative—Messrs. Beasley, Brogden, Eppes, Hawkins, Hyman, King and Moore—7.

The President announced Messrs. Morehead and Moore as the committee to make arrangements to open the Senate with prayer.

On motion of Mr. Cowles, the rules were suspended and the bill in relation to the Keeper of the Capitol was put upon its third reading.

Mr. Robbins, of Rowan, moved to amend by inserting after the word "square," in the second section, the words "and arsenal," and also to strike out in same section the word "Senate" and insert "General Assembly."

On motion of Mr. Cowles, its further consideration was postponed, and the bill referred to the committee on the judiciary. On motion of Mr. Lehman, the Senate adjourned.

## TENTH DAY.

SENATE CHAMBER, December 1st, 1870.

The Senate met pursuant to adjournment.

Prayer by the Rev. Stephen Collis, member of the House of Representatives.

The journal of yesterday was read.

Mr. Currie, from the Committee on Engrossed Bills, reported as correctly engrossed the following bills, to wit: Senate bills Nos. 2, 4, 5, 24 and 27, which were sent by message to the House of Representatives for concurrence.

Mr. Love, from the Committee on Propositions and Grievances, reported back a memorial from Robert R. Heath in relation to salary due him as Judge, and asked to be discharged from its further consideration. Report concurred in.

Mr. Love, on behalf of the Committee on Propositions and Grievances, reported back Senate resolution No. 34, with amendment.

Mr. Robbins, of Rowan, in behalf of the Committee on Internal Improvements, reported Senate bill No. 26 with the recommendation that it do not pass, which, on motion of Mr. Smith, was made the special order for to-morrow morning at 11 o'clock.

The introduction of bills and resolutions being now in order, the following bills were introduced, read, passed the first time and referred as follows, to wit:

By Mr. Lehman, a bill to be entitled an act to consolidate the Atlantic and North Carolina Railroad Company and the

North Carolina Railroad Company. Referred to committee on Internal Improvements.

By Mr. Merrimon, a bill to be entitled an act to appoint Commissioners to investigate alleged frauds in the disposition of bonds of this State and the proceeds thereof, issued to Railroad corporations since the first day of January, A. D. 1866, and for other purposes. Referred to the committee on internal improvements.

By Mr. Merrimon, a bill to be entitled an act to abolish the common law right of dower. Referred to committee on the judiciary.

By Mr. Whitesides, a bill to be entitled an act to regulate per diem and mileage of members of the General Assembly. Referred to committee on claims.

By Mr. Albright, a bill to be entitled an act in regard to per diem and mileage. Referred to committee on claims.

By Mr. McClammy, a bill to be entitled an act concerning inspector in the city of Wilmington, N. C. Referred to the committee on propositions and grievances.

By Mr. Olds, a bill to be entitled an act amending the inspection law. Referred to committee on propositions and grievances.

By Mr. Whitesides, a bill to be entitled an act to amend an act concerning the settlement of the estates of deceased persons. Referred to the committee on the judiciary.

On motion of Mr. Worth, Senate bill No. 2, a bill to be entitled an act to authorize the Board of County Commissioners to appoint a Finance Committee for their respective counties and to extend the powers of such committee, was taken from the calendar, read first time, passed and referred to committee on finance.

Mr. Moore introduced a resolution proposing to raise a Committee to ascertain whether there were any armed militia or State troops actually present in Sampson county on the 4th day of August last, which was read, and on motion of Mr. Currie, laid on the table.

Mr. Bellamy introduced a resolution concerning leave of absence, which was read.

The President having decided that the resolution was a concurrent one, and must, therefore, under the rules, lie over for one day.

Mr. Love appealed to Senate.

The Senate sustained the Chair, and the decision of the Chair stood as the decision of the Senate.

Mr. Moore introduced a resolution raising a committee to ascertain whether armed militia or State troops were actually present in the county of Yancey on the 4th day of August, 1870, which, on motion of Mr. Robbins, of Rowan, was laid on the table.

Mr. Cook introduced resolutions in regard to the special tax on whiskey, brandy and tobacco, which were read and laid over under the rules.

Mr. Battle introduced a resolution instructing the Committee on the Judiciary, to report a bill for the more effectually enforcing labor on public roads, which was adopted.

Mr. Latham introduced a resolution concerning the sale of lands in Hyde, Tyrrell and Washington, which was read and adopted.

On leave granted, the following reports from the Judiciary Committee were made:

By Mr. Graham, a report recommending the passage of Senate bills Nos. 16 and 17.

By Mr. Olds, a report recommending the passage of Senate bills Nos. 13 and 39.

By Mr. Dargan, a report recommending the passage of Senate bills Nos. 8 and 19.

By Mr. Lehman, a report recommending the passage of Senate bill No. 35, which, with the several bills, were ordered to be placed upon the calendar.

Mr. Love, on behalf of the Committee on Propositions and Grievances reported back Senate bill No. 33, with the recommendation that the substitute accompanying be adopted instead thereof.

Mr. Lehman introduced a concurrent resolution proposing that the usual number of copies of the Rules of the Senate and House of Representatives, together with the Joint Rules of both Houses be printed, with the marginal references, which was read and laid over under the rules.

The consideration of bills on their third reading being now in order, Senate bill No. 20 (H. B. No. 2) was taken up, read third time and passed. Yeas 35; Nays none.

Affirmative—Messrs. Allen, Albright, Beasley, Bellamy, Battle, Brogden, Currie, Cowles, Crowell, Cook, Council, Dargan, Eppes, Flythe, Fleming, Graham, Hawkins, Latham, Lehman, Linney, Love, McCotter, Moore, Morehead, Mauney, Merrimon, Norment, Olds, Robbins of Rowan, Robbins of Davidson, Speed, Troy, Waddell, Worth and Whitesides—35.

Negative.-None.

Mr. Fleming introduced a resolution instructing the Committee on Finance to ascertain and report to the General Assembly, the amount of assets belonging to the State of North Carolina, and their value, read and laid over under the rules.

Senate resolution No. 44, to raise a joint committee on constitutional reform, was then taken up and read.

Mr. Robbins, of Rowan, moved to amend by increasing number of the members of the committee to five on the part of the Senate and seven on the part of the House of Representatives. The amendment prevailed.

Mr. Price moved to postpone the further consideration of the resolution until eleven o'clock on Thursday next. The motion did not prevail. The question then recurring on the resolution as amended, it was adopted.

On motion of Mr. Speed, the reference of S. B. No. 3, a bill to be entitled an act for the better regulation of the town of Elizabeth City, to the committee on corporations, was reconsidered, and the bill referred to the committee on the judiciary.

A message was received from the House of Representatives,

informing the Senate of the passage of Senate bill No. 22, to provide for a special term of the Superior Court for Davidson county, with accompanying amendment, and asking the concurrence of the Senate therein. The Senate concurred in the amendment, and ordered that a message be sent informing the House of Representatives of the fact.

Indefinite leave of absence, on account of sickness, was granted Mr. Hyman, and leave of absence until Monday was granted Messrs. Norment, McCotter and Price.

On motion of Mr. Price, the Senate adjourned.

### ELEVENTH DAY.

SENATE CHAMBER, December 2d, 1870...

The Senate met pursuant to adjournment.

Prayer by Rev. J. L. Carroll.

Journal of yesterday was read.

Mr. Currie, from the Committee on Engrossed Bills, reported as correctly engrossed, the following:

S. B. 1, a bill to be entitled an act to appoint a commissioner to take certain depositions.

H. B. 4, a bill to be entitled an act to abolish the office of State Printer, and for other purposes.

S. R. 43, a resolution in regard to pages.

Mr. McCotter asked leave to withdraw the memorial of George B. McCotter, tax collector of Pitt county, and was granted.

The following resolutions were introduced by message from the House of Representatives, to wit:

H. R. 11, joint resolutions of instructions to members of Congress relative to the passage of certain bills, which were laid over under the rules.

H. R. 16, resolution of W. E. Piercy, sheriff of Yancey, which was laid over under the rules.

H. R. 25, resolution requesting opinion of the Attorney General in relation to State's interest in the Wilmington, Charlotte and Rutherford Railroad Company, which was adopted under a suspension of the rules.

The introduction of bills and resolutions being in order, the following were introduced, read and disposed of as follows:

By Mr. Mauney, a resolution relative to the homestead and personal property exemption and the right of suffrage. Laid over under the rules.

By Mr. McClammy, a bill to be entitled an act to incorporate the Wilmington and Onslow Railroad Company. Passed first time and referred to committee on corporations.

By Mr. Fleming, a bill to be entitled an act to empower the State Solicitors to swear witnesses. Passed first time and referred to committee on judiciary.

By Mr. Troy, a bill to be entitled an act to repeal certain acts in relation to the town of Fayetteville, and to prescribe the qualifications of voters in municipal elections in said town. Passed the first time and referred to committee on corporations.

By Mr. Robbins, of Davidson, a bill to be entitled an act to alter chapter 6, of the Revised Code, concerning the North Carolina Institution for the Deaf, Dumb and Blind. Passed first time and reterred to committee on the asylum for the deaf, dumb and blind.

By Mr. Troy, a bill to be entitled an act to amend section 52, of an act entitled an act to provide for a system of Public Instruction. Passed first time and referred to committee on education.

By Mr. Whitesides, a bill to be entitled an act to repeal section 7, of an act entitled an act in relation to punishment, and for other purposes. Passed first time and referred to the committee on judiciary.

By Mr. Smith, a bill to be entitled an act to provide pensions for disabled Confederate soldiers of the State of North Carolina, and to the widows and children of deceased Confederate soldiers. Passed first time and referred to the committee on military affairs.

The following resolutions were then disposed of as follows: Senate resolution, No. 48, in regard to the special tax on whiskey, brandy and tobacco. Read and adopted.

Senate resolution, No. 62, proposing to print the Rules of Order of the two Houses and the joint rules thereof. Read

and postponed.

Senate resolution, No. 60, instructing the Committee on Finance to report to the General Assembly the amount of assets belonging to North Carolina and their marketable value. Read and adopted.

The hour of eleven having arrived, the special order, "a bill to be entitled an act to repeal an act entitled an act to authorize the Dan River Coal Field Railroad Company to construct and extend their road, was taken up. After discussion, its further consideration was postponed, and the bill made the special order for Wednesday next at eleven o'clock.

Bills and resolutions were then acted on as follows:

Senate resolution, No. 61, concerning leave of absence. Read and referred to the committee on claims.

Senate bill, No. 11, a bill to be entitled an act fixing the salary of Attorney General. Read the second time.

Mr. Robbins, of Davidson, moved to postpone the further consideration of the bill, and make it the special order for Thursday next at eleven o'clock.

Mr. Love moved that the Senate do now adjourn.

The motion did not prevail.

Mr. Worth moved to lay the bill upon the table.

Mr. Graham called the previous question.

The Senate sustained the call.

Mr. Beasley demanded the yeas and nays.

The Senate agreed thereto, and the question being upon the passage of the bill on its second reading, the bill did not pass. Yeas 10; Nays 27.

Affirmative.—Messrs. Allen, Bellamy, Dargan, Eppes, Lassiter, Merrimon, Olds, Speed, Skinner and Smith—10.

Negative.—Messrs. Albright, Beasley, Battle, Currie, Cowles, Crowell, Cook, Council, Flythe, Fleming, Graham, Hawkins, Latham, Lehman, Linney, Love, McCotter, Moore, McClammy, Morehead, Mauney, Robbins of Rowan, Robbins of Davidson, Troy, Waddell, Worth and Whitesides—27.

Messages were sent to the House of Representatives informing that body of the passage of the following bills and resolutions, to wit:

S. B. 1, a bill to appoint a Commissioner to take election depositions.

S. B. 4, a bill to incorporate the Hook and Ladder Company, No. 2, of the city of Charlotte.

S. R. 43, resolution in regard to pages.

S. R. 45, resolution in favor of tax collector of Pitt county. And asking the concurrence of the House therein.

On motion of Mr. Love, the Senate adjourned.

# TWELFTH DAY.

SENATE CHAMBER, December 3d, 1870.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Atkinson.

Journal of yesterday was read.

Mr. Currie, from the Committee on Engrossed Bills, reported as correctly engrossed the following resolutions, to wit:

S. R. 60, resolution as to the assets of North Carolina.

S. R. 44, a joint resolution to raise a committee on constitutional reform,

Which were ordered to be sent to the House of Representatives for concurrence.

Mr. Graham, from the Select Committee on joint rules of order, made the following report:

#### JOINT RULES OF ORDER.

- 1. Each House shall transmit to the other all papers on which any bill or resolution shall be founded.
- 2. When a bill or resolution which shall have passed in one House shall be rejected in the other, notice thereof shall be given to the House in which the same may have passed.
- 3. Messages from one House to the other shall be communicated by their Clerks, respectively, unless the House transmitting the message shall specially direct otherwise.
- 4. It shall be in the power of either House to amend any amendment made by the other to any bill or resolution.
- 5. In every case of difference between the two Houses upon any subject of legislation, either House may request a conference and appoint a committee for that purpose, and the other shall also appoint a committee to confer. The committee shall meet at such hour and place as shall be appointed by the chairman of the committee on the part of the House requesting such conference. The conferees shall state to each other verbally, or in writing, as either shall choose, the reasons of their respective Houses, and confer freely thereon. The committee shall report in writing and shall be authorized to report such modifications or amendments as they may think advisable. But no Committee on Conference shall consider or report on any matters except those directly at issue between two Houses. The papers shall be left with the conferees of the House assenting to such conference, and they shall present the report of the committee to their House. When such House shall have acted thereon, they shall transmit the same and the papers relating thereto to the other, with a message certifying its action thereon.
- 6. It shall be in order for either House to recede from any subject matter of difference existing between the two Houses at any time previous to conference, whether the papers on which such difference arose, are before the House, receding formally or informally; and on such vote to recede, the same

number shall be required to constitute a quorum to act thereon and to assent to such receding as was required on the original question out of which the difference arose.

7. All Joint Committees of the two Houses and all Committees of Conference shall consist of three Senators and five members of the House of Representatives, unless otherwise specially ordered by concurrent resolution.

8. There shall be printed on joint order, unless otherwise specified, two hundred and twenty copies of all messages from the Governor, all reports of Standing or Select Committees, and all reports or communications made in pursuance of law.

9. When the same document shall, by separate orders, be directed to be printed by both Houses, it shall be regarded as but one order unless otherwise expressly directed by either House.

10. The Clerk of each House shall receive from the Public Printer all matter ordered by their respective Houses, and shall keep a book and enter therein the time of reception by him of every such bill or document and the number of copies received, and shall cause each and any of such bills or documents to be immediately placed upon the desks of the members.

11. The two hundred and twenty copies of messages from the Governor, reports of Committees and reports or communications made in pursuance of law, ordered to be printed by section eight, shall be distributed as follows: To the Senate, seventy copies; to the House of Representatives, —— copies.

12. There shall be Joint Standing Committees, consisting of three members of the Senate and five members of the House of Representatives, on the following subjects:

- 1. On Public Buildings and Grounds.
- 2. On Library.
- 3. On Deaf, Dumb and Blind Asylum.
- 4. On Insane Asylum.
- 5. On Enrolled Bills.
- 6. On Penal Institutions.
- 7. On Printing.

The report was concurred in.

The following bills and resolutions were introduced by message from the House of Representatives:

H. R. 7, resolution that the Public Treasurer be required to furnish statistics, &c., which was read and laid over under the rules.

H. B. 16, a bill entitled an act to to repeal an act entitled an act tobetter secure life and property, which was read first time, passed and referred to the committee on military affairs.

H. R. 27, S. R. 77, resolution that the General Assembly send certain instructions to their Senators and Representatives in Congress, which was read and laid over under the rules.

The introduction of bills and resolutions being now in order, the following were introduced, read and disposed of as follows:

By Mr. Allen, a bill to be entitled an act to authorize the commissioners of Onslow county to adjust the tax lists now in the hands of the sheriff, which was passed first time and referred to committee on propositions and grievances.

By Mr. Lehman, a bill to be entitled an act in relation to the lien of mechanics and other laborers and material men, upon buildings, lands and articles of personal property, and to repeal certain acts, which was passed first time and referred to committee on the judiciary.

By Mr. Love, a bill to be entitled an act in relation to salaries and fees, which was referred to a select committee of five. Made special order for eleven o'clock on Tuesday next.

Messrs. Love, Graham, Lehman, Robbins, of Davidson, and Brogden were appointed on the committee.

By Mr. McClammy, a resolution to raise a Committee of Enquiry as to State's interest in Cape Fear Navigation Company. Laid over under the rules.

Mr. Love, from the Committee on Propositions and Grievances, reported back S. B. 42, a bill to be entitled an act in relation to the poorhouse in Lincoln county.

S. B. 52, a bill to be entitled an act to amend the Inspection law.

S. B. 54, a bill to be entitled an act concerning Inspectors in the city of Wilmington, North Carolina, with the recommendation that they do pass.

Mr. Moore, from the Committee on Corporations, reported back S. P. B. 1, a bill to be entitled an act to incorporate the

People's Building and Loan Association of Salem.

S. B. 5, a bill to be entitled an act to repeal an act entitled an act to extend the corporate limits of the town of Rutherfordton, with the recommendation that they do pass.

Mr. Graham moved to reconsider the vote by which S. B. 11, a bill fixing the salary of Attorney General was lost on yesterday. The motion prevailed and the bill was referred to the select committee of five, to whom was referred the bill in relation to salaries and fees.

Mr. Robbins, of Rowan, moved to amend the Senate Rules of Order, as follows: In the twenty-fourth rule strike out all after the word "last" and insert the words, "if a constitutional quorum or the number necessary to pass such a bill be present and voting."

In twenty-fifth rule, strike out all after the word "thereon" and insert the words, "if the bill fail the second time for want of a quorum or the necessary number being present and voting, the bill shall not be finally lost, but shall be returned to the calendar in its proper order," which were severally adopted.

S. R. 62, joint resolution to print the rules of order was then taken up, read and adopted, and ordered to be engrossed and sent to the House of Representatives for concurrence.

S. R. 63, a resolution relative to the Homestead and Personal Property Exemption and the right of suffrage, was taken up and read.

Mr. Morehead moved to amend the bill by adding a third resolution as follows:

3. Resolved, that the people of North Carolina are unalterably opposed to any amendment of the constitution, whereby section 4, of article ten, section 4 of article fourteenth,

relating to Laborers' Lien, shall be abridged or in any manner changed from its present status.

Mr. Olds moved to amend by adding the following: The amendment prevailed.

Provided, it be held as lawful that the Homestead shall not be exempt from execution in criminal cases.

Mr. Price moved the following substitute for the bill:

Resolved, the House of Representatives concurring, That it is the sense of the people of North Carolina that any attempt to alter or change the constitution at this time would be revolutionary in its tendency and ought not to be made.

The question recurring upon the amendment offered by Mr. Olds, the amendment did not prevail.

The question recurring upon the adoption of the substitute, Mr. Price demanded the yeas and nays. The Senate agreed thereto and the substitute was not adopted. Yeas 7; Nays 25.

Affirmative.—Messrs. Beasley, Bellamy, Brogden, Eppes, Lassiter, Lehman, Moore, Olds and Price—9.

Negative.—Albright, Battle, Currie, Crowell, Cook, Council, Dargan, Fleming, Graham, Latham, Ledbetter, Linney, Love, McClammy, Morehead, Mauney, Merrimon, Robbins of Rowan, Robbins of Davidson, Speed, Skinner, Troy, Waddell, Worth and Whitesides—25.

Mr. Linney moved to amend by adding the following resolution:

Resolved further, That it is the sense of this body that the homestead provisions do not apply to damages recovered in actions ex dilicto.

The amendment did not prevail.

Mr. Graham moved to strike out in first resolution the words "meet the approval of the people of North Carolina and."

The question recurring on the amendment of Mr. Graham, Mr. Lehman demanded the yeas and nays. The Senate agreed thereto, and the amendment was adopted. Yeas 21; Nays 14.

Affirmative.—Messrs. Albright, Battle, Cook, Council, Crowell, Currie, Dargan, Graham, Ledbetter, Linney, Love, Mauney, McClammy, Morehead, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whitesides and Worth—21.

Negative.—Messrs. Beasley, Bellamy, Brogden, Eppes, Fleming, Flythe, Lassiter, Latham, Lehman, Merrimon, Moore, Olds, Price and Speed—14.

The preamble was then amended by adding the words, "and upon the subject of mechanics' and laborers' lien."

The question then recurring upon their adoption, the resolutions were adopted.

A message was received from the House of Representatives informing the Senate of the concurrence of the House in the amendments of the Senate to House bill 4, a bill to be entitled an act to abolish the office of State Printer, and for other purposes.

H. R. 16, resolution in favor of W. E. Piercy, sheriff of Yancey county, was taken up, read and passed first time, and referred to committee on propositions and grievances.

H. R. 11, joint resolutions of instruction to members of Congress relative to the passage of certain bills, was taken up, read and adopted.

Mr. Price introduced a joint resolution authorizing the President of the Senate to employ help for the doorkeeper, which was read and laid over under the rules.

Bills on their third reading being in order, S. B. 8, a bill to repeal an act entitled an act to regulate the manner of applying for pardons, was taken up and read the second time, and recommitted to the committee on the judiciary, on motion of Mr. Lehman.

A message was sent to the House of Representatives returning the Treasurer's report, as requested by the House, and also informing that House of the concurrence of the Senate in the amendments adopted by the House to S. B. 22, a bill to be entitled an act to provide for a special term of the Superior Court for Davidson county, and of the passage of S. R. 44, a joint resolution to raise a committee on constitutional reform, and S. R. 60, resolution as to the assets of North Carolina, and requesting the concurrence of the House therein.

Bills on their second reading being in order, the following bills were taken from the calendar, read second time and acted upon as follows:

- S. B. 13, a bill to be entitled an act to allow the transfer of certain cases pending in the late Court of Equity. Postponed until Tuesday next.
- S. B. 19, a bill to be entitled an act to provide for the removal of certain suits, actions or causes from one judicial district to another.

Mr. Latham moved to amend by adding the following proviso to first section:

Provided further, That if the Judge be interested as a party defendant in any such suit, action or cause, he shall, upon the application of the plaintiff, order the transfer and removal of such suit, action or cause to some county in an adjoining district where the term of the court will not interfere with the judicial duties of the Judge making such order.

The amendment was adopted and the bill passed the second time.

S. B. 39, a bill to be entitled an act to extend the suspension of the Code of Civil Procedure in certain cases.

Mr. Robbins, of Rowan, moved to amend by striking out in

the first section the words "until the first day of January, A. D. 1870," and inserting the word "permanently."

The amendment was adopted and the bill passed the second

reading.

S. B. 17, a bill to be entitled an act to repeal certain parts of an ordinance ratified March 13th, 1868. Passed second reading.

Mr. Robbins, of Davidson, from Committee on Enrolled Bills, reported as correctly enrolled the following bills, to wit:

An act to provide for a special term of the Superior Court of Davidson county.

A resolution requesting the opinion of the Attorney General in relation to the State's interest in the Wilmington, Charlotte and Rutherford Railroad Company.

An act to extend the time for collecting and paying over the taxes for county purposes for the county of Cleaveland.

Which were ratified by the President and transmitted to the Secretary of State.

Leave of absence for Monday and Tuesday was granted to Mr. Albright.

Mr. Beasley moved to adjourn. The motion did not prevail.

S. B. 33, a bill to be entitled an act for the relief of James Cashwell, tax collector of Bladen county, was taken up and read second time.

The substitute offered by the Committee on Propositions and Grievances was read.

Mr. Currie moved to amend the substitute by striking out that part requiring payment of costs. The amendment did not prevail.

The substitute was then adopted and the bill as amended passed second reading.

On leave granted, Mr. Love introduced a joint resolution in regard to the Executive Mansion, which was read first time.

Mr. Smith moved to amend by inserting the words "or sell" after the word "let" in fifth line of first section.

On motion of Mr. Dargan, the further consideration of the resolution was postponed until Wednesday next.

The consideration of bills upon their second reading was then resumed, and the following read second time and acted upon as follows:

S. B. 34, a resolution in favor of J. W. Hayes, late sheriff of Wilkes county. The amendment proposed by the Committee on Propositions and Grievances, to strike out all after word "oath" and insert the following, "that he, she or they have paid said taxes, or believe the same to have been paid." The amendment was adopted and the resolution as amended passed its second reading.

S. B. 16, a bill in relation to municipal elections.

Mr. Robbins, of Rowan, moved to amend by inserting after the words "United States" the words "an election of the State of North Carolina," which was adopted and the bill passed its second reading.

S. B. 35, a bill to be entitled an act requiring sheriffs and coroners to give notice to parties in whose favor they have process for collection of money, passed second reading.

On leave granted, Mr. Graham introduced a resolution directing three hundred and fifty copies of the Treasurer's report to be printed. The resolution was adopted.

On motion of Mr. Dargan, the Senate adjourned.

# THIRTEENTH DAY.

SENATE CHAMBER, December 5th, 1870.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Branson.

Journal of yesterday was read.

Mr. Currie, from the Committee on Engrossed Bills, reported as correctly engrossed, S. R. 48, resolution in regard to the

special tax on whiskey, brandy and tobacco, which was ordered to be sent to the House for concurrence.

Mr. Morehead, from Committee on Corporations, reported back S. B. 64, a bill to be entitled an act to incorporate the Wilmington and Onslow Railroad Company, with the recommendation that it do pass.

Mr. Robbins, of Rowan, from Committee on Internal Improvements, reported back S. B. 38, a bill to be entitled an act to consididate the North Carolina Railroad Company and the North Western N. C. R. R. Company, with the recommendation that it do pass.

The following bills were introduced by message from the House of Representatives, read and disposed of as follows:

H. B. 13, a bill to be entitled an act to consent to the purchase by the United States of America, of a site for a Light House at or near Bodies Island, between Cape Hatteras and Cape Henry. Passed first time, and referred to committee on internal improvements.

H. B. 17, a bill to be entitled an act to repeal an act entitled an act to extend the corporate limits of the town of Goldsboro'. Passed first time, and referred to committee on corporations.

Mr. Speed introduced a bill to relieve Thomas F. Baxter, sheriff of Currituck, for failure to pay State taxes at the time prescribed by law, which was read first time and passed.

Under a suspension of the rules, the bill was put upon its second reading.

Mr. Moore moved to amend by striking out the word "costs".

The amendment was adopted, and the bill passed its second reading.

The bill was then put upon its third reading.

Mr. Gilmer moved to amend by adding the following words to first section, "and produce upon his settlement with the Treasurer a receipt for all costs incurred by reason of his failure to pay the taxes within the time required by law."

The amendment prevailed, and the bill as amended passed the third reading. Yeas 38; Nays none.

Affirmative.—Messrs. Adams, Battle, Beasley, Cook, Council, Crowell, Currie, Dargan, Eppes, Fleming, Flythe, Gilmer, Hawkins, Jones, King, Lassiter, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, Merrimon, Moore, Morehead, Murphy, Norment, Price, Robbins of Davidson, Rob, bins of Rowan, Skinner, Smith, Speed, Waddell, Warren-Whitesides and Worth—38.

Negative.-None.

The introduction of bills being now in order, the following bills were introduced, read first time, passed and otherwise disposed of as follows:

By Mr. Gilmer, a bill to be entitled an act to authorize Robert M. Stafford, sheriff of Guilford county, to collect arrears of taxes. Placed on the calendar.

By Mr. Fleming, a bill to be entitled an act in regard to per diem and mileage. Referred to committee on claims.

By Mr. Graham, a bill to be entitled an act to transfer one million dollars of state stock in North Carolina Railroad Company to the Atlantic and North Carolina Railroad Company, and to consolidate that portion of North Carolina Railroad between Raleigh and Goldsboro' with the Atlantic and North Carolina Railroad. Referred to committee on finance.

By Mr. Graham, a bill to be entitled an act to allow railroad and other corporations to purchase the stock of the state in such corporations by returning to the treasurer the bonds with which such stock was obtained, and for other purposes. Referred to committee on finance.

By Mr. Graham, on leave granted, a bill to amend the charter of the city of Raleigh, ratified February 3d, 1857, and January 28th, 1863. Referred to committee on the judiciary.

The following resolutions were then taken up, read and adopted as follows, to-wit:

H. R. 7, S. R. 75, resolution that the Public Treasurer be required to furnish statistics, &c.

H. R. 27, S. R. 77, resolution that the general assembly send certain instructions to their Senators and Representatives in Congress.

S. R. 80, resolution to raise a committee of inquiry as to state's interest in "Cape Fear Navigation Company."

S. R. 82, joint resolution authorizing President of the Senate to employ help for the doorkeeper, was then taken up and read.

Mr. King moved to lay the resolution upon the table. The motion did not prevail.

On motion of Mr. Murphy, the resolution was referred to the committee on public grounds and buildings.

Mr. Graham introduced a resolution in reference to the payment of persons hitherto actually employed by the door-keeper, which was referred, on motion of Mr. Love, to committee on public grounds and buildings.

Mr. Norment moved to raise a joint select committee of three on the part of the Senate, and five on the part of the House, to take into consideration and report upon the question of per diem and mileage, which prevailed, and the House ordered to be informed thereof.

Messrs. Norment, Beasly and Dargan were appointed upon the Senate branch of said committee.

Mr. Murphy moved to raise a joint committee on public roads, rivers, ferries, bridges, &c. The motion prevailed, and it was ordered that a message be sent asking the concurrence of the House therein.

Messrs. Murphy, Crowell and Bellamy were appointed on said committee on part of the Senate.

Mr. Fleming moved that the joint select committee to whom was referred the question of per diem and mileage, be requested to report on Tuesday next. The motion did not prevail.

Bills on their third reading being now in order, the following bills were read the third time and disposed of as follows:

S. B. 16, a bill in relation to municipal elections.

Mr. Moore moved to strike out the words "native or

naturalized citizens of the United States." The amendment prevailed.

Mr. Graham moved to strike out the word thirty and insert the word ninety in the first section.

Mr. Gilmer moved to amend the amendment by striking out "mnety" and inserting "sixty." The amendment did not prevail.

The question recurring upon the amendment of Mr. Graham, Mr. Olds demanded the yeas and nays. The Senate agreed thereto, and the amendment did not prevail. Yeas 12; Nays 29.

Affirmative.—Messrs. Battle, Gilmer, Latham, Love, Mc-Olammy, Morehead, Murphy, Troy, Waddell, Warren, Whiteides and Worth—12.

Negative.—Messrs. Adams, Allen, Beasley, Bellamy, Broglen, Cook, Council, Crowell, Currie, Eppes, Fleming, Flythe, Graham, Hawkins, Jones, King, Lassiter, Ledbetter, Lehman, Linney, Mauney, Merrimon, Norment, Olds, Price, Robbins f Davidson, Robbins of Rowan, Skinner and Smith—29.

Mr. Robbins, of Rowan, moved to amend by adding the bllowing section.

Section 6. That the time for the regular election for muniipal officers in the cities, towns and corporated villages of this tate, shall hereafter be the first Monday in May, in each year, covided that this shall not apply to the town of Washington or the year 1871.

The amendment prevailed.

Mr. Graham moved to reconsider the vote by which his mendment was lost, and to postpone the further considerant of that motion, and to make it the special order for Fringer at 12 o'clock, and the latter motion prevailed.

S. B. 17, a bill to repeal certain parts of an ordinance, ratid March 13, 1868. Passed the third time. Yeas 37; Nays one.

Affirmative.—Messrs. Adams, Allen, Battle, Beasley, Brogn, Cook, Council, Crowell, Currie, Dargan, Fleming, Flythe Gilmer, Graham, Hawkins, Jones, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, Moore, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Smith, Troy, Waddell, Warren, Whitesides and Worth—37.

Negative.—None.

The rules were suspended on motion of Mr. Love, and the bill ordered to be forthwith engrossed, and sent to the House for concurrence.

S. B. 19, a bill to provide for the removal of certain suits, actions or causes from one judicial district to anothers, pased the third time. Yeas 38; Nays none.

Affirmative.—Messrs. Adams, Battle, Beasley, Bellamy, Brogden, Cook, Council, Crowell, Currie, Dargan, Fleming, Flythe, Gilmer, Graham, Hawkins, Jones, King, Lassiter, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Smith, Troy, Waddell, Warren, Whitesides and Worth—38.

Negative.-None.

S. B. 33, a bill for the relief of James Cashwell, tax collector of Bladen county, passed third reading. Yeas 37 Nays 0.

Negative.—Messrs. Battle, Beasley, Brogden, Cook, Council, Crowell, Currie, Dargan, Fleming, Flythe, Gilmer, Graham, Hawkins, King, Lassiter, Latham, Ledbetter, Lehman, Linney Love, Mauney, McClammy, Merrimon, Moore, Morehead Murphy, Olds, Price, Robbins of Davidson, Robbins of Rowan Skinner, Smith, Speed, Waddell, Warren, Whitesides and Worth—37.

Negative.—None.

S. R. 34, a resolution in favor of J. W. Hays, late sheriffed of Wilkes county, passed third reading. Yeas 37; Nays Ortan

Affirmative.—Messrs. Allen, Beasley, Brogden, Cook, Countrie, Crowell, Currie, Dargan, Fleming, Flythe, Gilmer, Graham Amawkins, Jones, King, Lassiter, Latham, Ledbetter, Lehmand,

Linney, Love, Mauney, McClammy, Merrimon, Moore, Morehead, Murphy, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Smith, Speed, Troy, Waddell, Whitesides and Worth—37.

Negative.—None.

S. B. 35, a bill requiring sheriffs and coroners to give notice to parties in whose favor they have process for collection of money.

Mr. Linney moved to amend, by adding to section 6, the following proviso:

"Provided, That all such costs as shall be incurred in consequence of the service of this notice, shall be paid by the blaintiff."

The amendment prevailed, and on motion of Mr. Moore, the bill was recommitted to the committee on the judiciary.

S. B. 39, a bill to extend the suspension of the Code of Civil Procedure, in certain cases, passed the third reading. Yeas 8; Nays. 1.

Affirmative.—Messrs. Adams, Allen, Battle, Brogden, Cook, Jouncil, Crowell, Currie, Dargan, Fleming, Flythe, Gilmer, traham, Hawkins, Jones, King, Latham, Lehman, Linney, ove, Mauney, McClammy, Merrimon, Moore, Morehead, Iurphy, Norment, Olds, Price, Robbins of Davidson, Robbins & Rowan, Skinner, Smith, Speed, Troy, Waddell, Whitesides and Worth—38.

Negative.—Mr. Beasley.

The rules having been suspended, Mr. Graham introduced a lll to allow the commissioners or other municipal authority of ny city, town or incorporated village, to buy and hold real tate for the purpose of a cemetery, which was put upon its est and second readings and passed. The bill was then put pon its third reading and passed. Yeas 33; Nays 0.

Affirmative—Messrs. Adams, Battle, Beasley, Brogden, ook, Council, Crowell, Currie, Dargan, Fleming, Flythe, Gil-

mer, Graham, Hawkins, Jones, King, Lassiter, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, Morehead, Murphy, Skinner, Smith, Troy, Waddell, Warren, Whitesides and Worth—33.

Negative-None.

Bills upon their second reading being now in order, the following bills were read and disposed of as follows:

S. P. B. 1, a bill to incorporate the People's Building and Loan Association of Salem, passed second reading.

S. B., a bill to repeal an act entitled an act to extend the corporate limits of the town of Rutherfordton, passed second reading.

S. B. 38, a bill to consolidate the North Carolina Railroad Company and the Northwestern North Carolina Railroad

Company.

Ordered to be printed, and, on motion of Mr. Gilmer, the further consideration thereof was postponed and made special order for Thursday next at 12 o'clock.

Mr. Robbins, of Davidson, from the committee on enrolled bills, reported as correctly enrolled

Senate resolution to print copies of Treasurer's report.

An act to abolish the office of State Printer, and for other purposes.

Joint resolution of instruction to members of Congress in relation to the passage of a bill introduced at the last session of Congress and now pending before that body, entitled the "North Carolina Railway Extension Company," which were ratified by the President and transmitted to the Secretary of State.

Mr. Robbins, of Rowan, from the Select Committee to ascertain and report to the Senate the vote of the 26th Senatorial district, cast on the 4th August, 1870, for Senators, made a report, which was read, and the further consideration thereof was postponed and made the special order for to-morrow at 11 o'clock.

A message was sent to the House of Representatives trans-

mitting Senate resolution No. 48, resolution in regard to the special tax on whiskey, brandy and tobacco, and asking the concurrence of the House therein.

On motion of Mr. Robbins, of Davidson, the Senate adjourned.

### FOURTEENTH DAY.

SENATE CHAMBER, December 6th, 1870.

The Senate met pursuant to adjournment.

Prayer by Rev. A. B. Earle.

Journal of yesterday was read.

Messrs. Merrimon and Olds rose to questions of personal privilege.

Mr. McClammy presented a memorial from the legal representatives of the late Jonathan Worth, which was read and referred to the committee on the judiciary.

Mr. Olds presented a memorial from R. S. Tucker, which was read and referred to committee on claims.

Mr. Allen, from the Committee of Military Affairs, reported back H. R. 16, S. R. 76, a bill to be entitled an act to repeal an act entitled an act to better secure life and property, with the recommendation that it do pass.

Mr. Allen, from same Committee, reported back S. B. 70, a bill to be entitled an act to provide pensions for disabled Confederate soldiers of the State of North Carolina, and to the widows and children of deceased Confederate soldiers, with the recommendation that it do not pass.

Mr. Olds, from the Committee of the Judiciary, reported back S. B. 3, a bill to be entitled an act transferring the jurisdiction of bastardy trials, with the recommendation that it do not pass.

Mr. Currie, from the Committee on Engrossed Bills, reported as correctly engrossed the following:

S. R. 80, resolution to raise a Committee of enquiry as to the States interest in the Cape Fear Navigation Company.

S. R. 63, resolution in relation to the Homestead and personal property exemption, the right of suffrage, and Mechanics and Laborers Lien.

S. B. 85, a bill to be entitled an act to relieve T. F. Baxter, sheriff of Currituck county for failure to pay State taxes at the time prescribed by law.

S. R. 62, resolution in relation to the printing of the rules of the Senate and House of Representatives and joint rules of both Houses.

S. B. 17, a bill to be entitled an act to repeal certain parts of an ordinance, ratified March 13th, 1868, which was sent to the House of Representatives for concurrence.

Mr. Latham, from the Committee on Claims, reported back S. B. 87, a bill to be entitled an act in regard to *per diem* and mileage.

S. B. 55, a bill to be entitled an act in regard to per diem and mileage.

S. B. 56, a bill to be entitled an act to regulate per diem and mileage of members of the General Assembly.

S. R. 61, resolution concerning leave of absence, with the recommendation that they be referred to the joint select committee to whom was referred the question of *per diem* and mileage. The reports were concurred in.

Mr. Latham, from the Committee on Finance, reported back S. B. 36, a bill to be entitled an act for the relief of sheriffs and tax collectors in the State, with the recommendation that it do pass.

Mr. Graham, from the Committee on the Judiciary, reported back a substitute for S. P. B. 3, a bill for the better regulation of the town of Elizabeth City, Pasquotank county, N. C., with the recommendation that it be adopted.

Mr. Ledbetter, from the Committee on the Asylum for the

Deaf, Dumb and Blind, reported back S. B. 67, a bill to be entitled an act to alter chapter VI of the Revised Code, concerning the N. C. Institution for the Deaf, Dumb and Blind, with the recommendation that it do pass.

Mr. Jones, from the Committee on the Judiciary, reported a substitute for S. B. 51, a bill to be entitled an act to amend an act concerning the settlement of the estates of deceased persons, with the recommendation that it be adopted.

Mr. Love, from the Joint Select Committee, to whom was referred the bill in relation to salaries and fees, asked to be allowed until to-morrow at 12 o'clock to report. Leave granted.

H. B. 85, a bill to be entitled an act concerning townships in the county of Jackson, was introduced by message from the House of Representatives. Read and passed the first time.

On motion of Mr. Love, the rules were suspended and the bill put upon its second and third readings and passed. Yeas 45; Nays none.

Affirmative.—Messrs. Allen, Battle, Beasley, Bellamy, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Eppes, Fleming, Flythe, Gilmer, Graham, Hawkins, Jones, King, Lassiter, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Smith, Speed, Troy, Waddell, Warren, Whitesides and Worth—45.

Negative.—None.

The introduction of bills being now in order, the following were introduced, read first time, passed and referred or otherwise disposed of, as follows:

By Mr. Flythe, a bill to be entitled an act in favor of H. T. Grant, sheriff of Northampton county. Referred to committee on propositions and graevances

By Mr. Dargan, a bill to be entitled an act for the relief of

H. B. Threadgill. Referred to the committee on propositions and grievances.

By Mr. Bellamy, a bill to be entitled an act to repeal sections 13, 14 and 15, chapter 2 of the Revised Code. Referred to the committee on the judiciary.

By Mr. Linney, a bill to be entitled an act to amend chapter one hundred and sixty of the laws of 1868-'69. Referred to the committee on the judiciary.

Mr. Robbins, of Davidson, introduced a resolution asking the representatives of North Carolina in Congress to use their influence to amend the 14th section of the Bankrupt Law, which was read and adopted.

The hour of eleven A. M. having arrived, the special order for that time, to wit: the report of the Special Committee of Inquiry as to votes in the 26th Senatorial District, was taken up, and on motion of Mr. Warren, re-committed to same committee, with instructions to report resolutions in relation thereto for the action of the Senate.

On motion of Mr. Warren, the report was made the special order for Tuesday next at eleven o'clock.

Unfinished business being now in order,

S. B. 13, a bill to be entitled an act to allow the transfer of certain cases pending in the late courts of equity was taken up and passed the second reading.

Bills on their third reading being now in order, the following bills were read the third time and disposed of as follows:

S. P. B 1, a bill to incorporate the People's Building and Loan Association of Sa'em, passed the third reading. Yea 43; Nays none.

Affirmative.—Messrs. Adams, Allen, Battle, Beasley, Bellamy, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Eppes, Fleming, Flythe, Gilmer, Graham, Hawkins, Jones, King, Latham, Ledbetter, Lehman, Linney, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Robbins of

Rowan, Skinner, Speed, Troy, Waddell, Warren, Whitesides and Worth—43.

Negative.—None.

S. B. 5, a bill to repeal the corporate limits of the town of Rutherfordton. Passed the third reading. Yeas 38; Nays 0.

Affirmative.—Messrs. Allen, Battle, Beasley, Bellamy, Brogden, Cook, Council, Crowell, Currie, Dargan, Fleming, Flythe, Gilmer, Graham, Hawkins, Jones, Lassiter, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whitesides and Worth—38.

Negative.-None.

Bills upon their second reading being now in order, the following were read the second time and disposed of, as follows:

S. B. 42, a bill in relation to the poorhouse in Lincoln county. Passed second reading.

S. B. 52, a bill to amend the Inspection law. Passed second reading.

S. B. 54, a bill concerning Inspectors in the city of Wilmington, North Carolina. Passed second reading.

S. B. 64, a bill to incorporate the Wilmington and Onslow Railroad Company. Passed second reading. Yeas 42; Nays 0.

Affirmative.—Messrs. Adams, Allen, Battle, Beasley, Bellamy, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Eppes, Fleming, Flythe, Gilmer, Graham, Hawkins, Jones, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Skinner, Smith, Speed, Troy, Waddell, Whitesides and Worth—42.

Negative.—None.

S. B. 6, a bill to authorize Robert M. Stafford, sheriff of Guilford county, to collect arrears of taxes. Passed second reading.

Mr. Price, on leave granted, introduced a bill to incorporate

the Mechanics Association, in Wilmington, which was read first time and referred to committee on corporations.

Mr. Norment, on leave granted, introduced a bill to repeal an act entitled an act to extend the corporate limits of the town of Lumberton, in the county of Robeson, which was read the first time, passed and referred to the committee on corporations.

Mr. Lehman, from the Committee on the Judiciary, on leave granted, reported a substitute for S. B 8, a bill to be entitled an act to repeal an act entitled an act to regulate the manner of applying for pardons, and the Senate having proceeded to consider the bill, the substitute was adopted.

Mr. Dargan moved to reconsider the vote just taken.

The motion did not prevail.

Mr. Graham moved to amend by striking out all in section second, after the word "act" and insert the words, "are hereby repealed."

The amendment was adopted, and the bill as amended, passed the second reading.

Mr. Graham, on leave granted, introduced a bill to be entitled an act to allow the legal representatives of John Turner, late sheriff of Orange county, to collect arrears of taxes, which was read and passed the first time.

On motion of Mr. Graham, the rules were suspended and the bill put upon its second reading.

Mr. Crowell moved to amend the bill so as to make its provisions apply to the legal representatives of Logan H. Low rance, late sheriff of Lincoln county. The amendment prevailed.

Mr. Graham moved to amend by striking out the proviso in the bill and inserting the following:

Provided, That no person, nor the representative of a deceased person, shall be compelled to pay such taxes who will make oath that he believes such taxes to have been paid.

The amendment was adopted.

Mr. Warren moved to amend by striking out in the proviso

the words "nor the representatives of a deceased person," and turther to amend by adding the following:

Provided further, That the representatives of the estates of deceased persons shall not be compelled to pay such arrears of taxes.

The amendments were severally adopted and the bill passed its second reading.

The rules having been suspended, the bill was read third

time and and passed. Yeas 41; Nays 0.

Affirmative.—Messrs. Adams, Battle, Beasley, Bellamy, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Eppes, Fleming, Gilmer, Graham, Hawkins, King, Lassiter, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Smith, Speed, Troy, Waddell, Warren, Whitesides and Worth—41.

Negative.—None.

On motion of Mr. Latham, leave of absence was granted to the President of the Senate for Thursday and Friday next.

On motion of Mr. McClammy, leave of absence was granted to Mr. Morehead from Friday until Tuesday next.

Mr. Robbins, of Davidson, reported as correctly enrolled the following acts and resolutions:

Resolution requiring the Treasurer to furnish statistics of expenses of the late military movement.

Resolution of instructions to Senators and Representatives in Congress, relative to residue of tax on real estate.

An act appointing a commissioner to take certain depositions relative to the Senatorial election in counties of Granville and Person.

Which were ratified by the President and transmitted to the Secretary of State.

The following resolutions were received by message from the

House of Representatives, read and laid over under the rules:

H. R. 55, Resolved, the Senate concurring, That the Joint Committee on the Asylum for the Deaf, Dumb and the Blind be instructed to inquire into the wants of said Asylum and report a bill at the earliest possible day to provide means for the ample support of this institution.

H. R. 34, resolution creating a school fund.

On motion of Mr. Murphy, the Senate adjourned.

## FIFTEENTH DAY.

SENATE CHAMBER, December 7th, 1870.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Branson.

Journal of yesterday was read.

Mr. Currie, from the Committee on Engrossed Bills, reported as correctly engrossed the following bills:

S. B. 19, a bill to be entitled an act to provide for the removals of certain suits, actions or causes from one judicial district to another.

S. B. 33, a bill to be entitled an act for the relief of James Cashwell, tax collector of Bladen county.

S. B. 39, a bill to be entitled an act to extend the suspension of the Code of Civil Procedure in certain cases.

S. B. 92, a bill to be entitled an act to allow the commissioners or other municipal authority of any city, town or incorporated village, to buy and hold real estate for the purpose of a cemetery.

S. R. 102, resolution to raise a joint select committee on per diem and mileage.

S. R. 103, resolution to raise a joint committee on public roads, rivers, ferries, bridges, &c., which were sent to the House of Representatives for concurrence.

A message was sent to the House of Representatives transmitting for the concurrence of that body the following bills, to wit:

- S. B. 17, a bill to be entitled an act to repeal certain parts of an ordinance ratified March 13th, 1868.
- S. R. 62, resolution in relation to the printing of the rules of order of the Senate and House of Representatives, and of the joint rules of both Houses.
- S. R. 63, a resolution relative to the homestead and personal property exemption and the right of suffrage, and upon the subject of mechanics' and laborers' lien.
- S. R. 80, resolution to raise a committee of enquiry as to State's interest in Cape Fear Navigation Company.
- S. B. 85, a bill to be entitled an act to relese Thomas F. Baxter, sheriff of Currituck, for failure to pay State taxes at the time prescribed by law.

The introduction of bills and resolutions being now in order, the following were introduced, read first time, passed and referred, or were otherwise disposed of as follows:

By Mr. Robbins, of Rowan, a bill to be entitled an act to prevent parties in civil actions from being witnesses in their own behalt. Referred to the committee on the judiciary.

By Mr. Whitesides, a bill to be entitled an act to repeal section 468 of chapter 9, of title 19 of the Code of Civil Procedure, and for other purposes. Referred to the committee on the judiciary.

By Mr. Allen, a resolution to appoint a committee to report a bill for establishing three terms of the Superior Courts a year, which was laid over under the rules.

By Mr. Graham, a bill to be entitled an act to allow the commissioners of Orange county to levy a special tax. Referred to the committee on propositions and grievances.

By Mr. Olds, a resolution in favor of M. A. Bledsoe, which was laid over under the rules.

By Mr. Cowles, resolutions in regard to the soldiers of the war of 1812, which were adopted.

By Mr. Gilmer, resolutions in reference to the public debt, which were adopted.

By Mr. Jones, resolution in reference to the political disabilities of Z. B. Vance, which were read, and under a suspen-

sion of the rules, adopted. Yeas 40; Nays 1.

Affirmative.—Messrs. Adams, Albright, Allen, Battle, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Flythe, Gilmer, Graham, Jones, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Mocre, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren, Whitesides and Worth—40.

Negative—Mr. Hyman—1.

Mr. Love, from the Select Committee, to whom was referred a bill in relation to salaries and fees, reported a substitute for said bill, with the recommendation that it be adopted.

Mr. McClammy moved to take the bill from the calendar and proceed to the consideration. The motion prevailed.

Mr. McClammy moved to print the substitute offered by the committee, and postpone the further consideration of the bill until Tuesday next, and make it the special order for eleven o'clock.

Mr. Lehman moved to lay the bill upon the table, and order the same to be printed. The motion did not prevail.

Mr. Price moved to amend the motion by striking out "Tuesday" and inserting "Thursday." The amendment did not prevail.

The hour of eleven A. M. having arrived, the special order for that hour was taken up, to wit. A bill to be entitled an act to authorize the Dan River Coal Field Railroad Company to construct their road.

On motion of Mr. Love, the further consideration thereof was postponed for five minutes.

The question then recurring upon the motion of Mr. Mc-Clammy, to print substitute offered by committee for a bill in relation to salaries and fees. The motion prevailed.

Bills upon third reading being now in order, S. B. 8, a bill to repeal an act entitled an act to regulate the manner of applying for pardons was taken up, read the third time and passed. Yeas 43; Nays 5.

Affirmative.—Messrs. Adams, Albright, Allen, Battle, Beasley, Bellamy, Brogden, Cook, Council, Cowles, Crowell, Currie,
Dargan, Eppes, Fleming, Flythe, Gilmer, Hawkins, Hyman,
Jones, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead,
Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Smith, Speed, Troy, Waddell, Whitesides and Worth
—43.

Negative.—Messrs. Graham, Lassiter, Murphy, Price and Warren—5.

The consideration of the special order, a bill to be entitled an act to authorize the Dan River Coalfield Railroad Company to construct their roads, was then resumed.

Mr. Olds moved to postpone the further consideration of the bill until the third Monday in April next.

Mr. Norment moved that the Senate do now adjourn.

The motion did not prevail.

Mr. Graham called the previous question. The Senate sustained the call, and the question recurring upon the passage of the bill on its second reading, the year and nays were demanded.

The Senate agreed therete, and there were cast twenty-three votes in the affirmative and twenty-three in the negative. Thereupon the President voted in the negative, and the bill did not pass.

Affirmative.—Messrs. Albright, Battle, Beasley, Bellamy, Brogden, Crowell, Flythe, Gilmer, Graham, Hawkins, King, Lassiter, Love, McClammy, Murphy, Norment, Olds, Robbins of Rowan, Smith, Speed, Troy and Waddell—23.

Negative.—Messrs. Adams, Allen, Cook, Cowles, Currie, Dargan, Fleming, Hyman, Jones, Lassiter, Ledbetter, Lehman, Linney, Mauney, Merrimon, Moore, Morehead, Price,

Robbins of Davidson, Skinner, Warren, Whitesides and Worth -23.

Mr. Hawkins asked leave to have his vote recorded in favor of the resolution asking Congress to remove the disabilities of Z. B. Vance, which was granted.

On motion of Mr. Hawkins, the Senate adjourned.

## SIXTEENTH DAY.

SENATE CHAMBER, December 8th, 1870.

The Senate met pursuant to adjournment,

Prayer by the Rev. R. M. Norment.

The journal of yesterday was read.

Mr. Robbins, of Rowan, from the Committee on Internal Improvements, reported back S. B. 58, a bill to be entitled an act appointing commissioners to investigate alleged frauds in the dispositions of bonds of this State and the proceeds thereof issued to Railroad Companies since the first day of January, A. D. 1866, and for other purposes, with the recommendation that it do pass.

Mr. Warren, from the Committee on the Judiciary, reported back the following bills:

S. B. 18, a bill to be entitled an act in relation to the Keeper of the Capitol. The committee was of opinion that the Keeper of the Capitol was not an officer within the meaning of the Constitution, but was a mere placeman, and was asked to be discharged from the further consideration of the bill.

S. B. 14, a bill against defamation, with the recommendation that it do not pass.

S. B. 23, a bill to repeal chapter 27, laws of 1869-'70, recommending that it be considered by the Senate with the bill from the House of Representatives on same subject.

S. B. 35, a bill requiring sheriffs and coroners to give notice

to parties in whose favor they have process for collection of money.

- S. B. 65, a bill to empower the State Solicitors to swear witnesses, with the recommendation that it do not pass.
- S. B. 100, a bill to repeal sections 13, 14 and 17, chapter 2 of Revised Code, with the recommendation that it do not pass.
- S. B. 104, a bill to be entitled an act to prevent parties, in civil actions, from being witnesses in their own behalf, with the recommendation that it do not pass.
- S. B. 105, a bill to be entitled an act to repeal section 468, of chapter 9, of title 19, of the Code of Civil Procedure, and for other purposes, with a substitute therefor.
- Mr. Gilmer, from Committee on Judic'ary, reported a substitute for Senate bill, 99, a bill to amend chapter 160, of the laws of 1868-'9.
- Mr. Price moved to reconsider the vote by which Senate bill 79, was made special order for Tuesday next.

The motion did not prevail.

- Mr. Currie, from the Committee on Engrossed Bills, reported as correctly engrossed the following, which was sent to the House of Representatives for concurrence:
- S. B. 5, a bill to be entitled an act to repeal an act to extend the corporate limits of the town of Rutherfordton.
- S. R. 34, a resolution in favor of J. W. Hayes, late sheriff of Wilkes county.
  - S. R. 109, resolution in reference to the public debt.
- Mr. Jones, from the Committee on the Judiciary, reported favorably upon the memorial of the legal representatives of the late Jonathan Worth, and recommended its reference to the committee on claims to ascertain the amount due.

Mr. Love, from Select Committee, reported S. B. 11, a bill to be entitled an act fixing the salary of Attorney General, with recommendation that it do not pass.

The following bills were introduced by message from the House of Representatives, read, passed first time and then were disposed of, as follows:

H. B. 30, a bill to be entitled an act to restore to the Western Railroad Company its original chartered privileges, to regulate the appointment of State Directors, and to define the votes of the State in the general meetings of the stockholders of said Company. Placed upon the calendar.

H. B. 20, a bill to be entitled an act for the relief of the sheriff of Watauga county. Referred to committee on pro-

positions and grievances.

H. B. 6, a bill to be entitled an act to reinstate burnt records in the several counties, &c. Referred to committee on propositions and grievances.

H. B. 44, a bill to be entitled an act to empower the personal representatives of the late sheriff of Person county to collect arrears of taxes. Referred to committee on propositions and grievances.

H. B. 10, a bill to be entitled an act to repeal section 5, chapter 86, of public laws of 1856-7. Referred to committee on judiciary.

H. B. 61, a bill to be entitled an act to authorize John Patterson, late sheriff of Clay county, to collect arrears of taxes tor 1868-'9. Placed on the calendar.

H. B. 104, a bill to be entitled an act to supply a temporary deficiency in the treasury. Placed on the calendar.

H. B. 18, a bill to be entitled an act to allow enterers of vacant lands further time to obtain grants from the State. Referred to committee on claims.

H. B. 71, a bill to be entitled an act relative to the Western Turnpike Road, leading from Ashville westward, &c. Referred to the committee on corporations.

A message was received from the House of Representatives informing the Senate that the House had amended S. R. 31, resolution in favor of the sheriffs of Northampton and Wilkes counties, by striking out word Senate and inserting words General Assembly, and asking the concurrence of the Senate therein. The amendment was concurred in.

A message was received from the House of Representatives

informing the Senate that the House had amended S. B. 2, a bill to amend the charter of the town of Washington by adding to section 7 the words, "but they shall not be permitted to collect taxes after the ratification of this act," and asking the concurrence of the Senate therein. The amendment was concurred in.

Mr. Albright introduced a bill to be entitled an act to allow the commissioners of Chatham county to levy a special tax and appoint a tax collector. Placed on the calendar.

Mr. Jones introduced a resolution in relation to the Penitentiary, which was read and adopted.

Mr. Robbins, of Rowan, introduced a resolution to ascertain the actual amount of money in the treasury, which was adopted.

Mr. McClammy presented a resolution in relation to the removal of the political disabilities of A. M. Waddell and S. H. Rogers, which, under a suspension of the rules, was read, adopted, yeas 43, nays none, and ordered to be engrossed and forthwith transmitted to the House for concurrence.

Affirmative.—Messrs. Adams, Albright, Allen, Battle, Brogden, Cook, Council. Cowles, Crowell, Currie, Dargan, Fleming, Flythe, Gilmer, Graham, Hawkins, Jones, King, Lassiter, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Smith, Speed, Troy, Waddell, Warren, Whitesides and Worth—43.

Negative.—None.

Messrs. Hyman and Price were excused from voting.

Mr. Robbins, of Rowan, introduced a resolution of instruction to the Judiciary Committee, which was read and adopted.

Mr. Speed presented the memorial of Micajah Anderson in relation to the right of the Senator from Edgecombe to his seat, which was read, and on motion of Mr. Norment, laid on the table.

Mr. Currie, from the Committee on Engrossed Bills, re-

ported as correctly engrossed the following bills, which were sent to the House for concurrence:

S, R. 11., resolution in reference to the political disabilities of Z. B. Vance.

S. B. 1, a bill to be entitled an act to incorporate the People's Building and Loan Association of Salem.

Mr. Latham, on leave granted, introduced,

A bill to be entitled an act to extend the time for collecting and paying over the taxes for county purposes for the county of Martin, which was read and, under a suspension of the rules, passed the first and second readings. The rules being suspended the bill was put upon its third reading and passed. Yeas 41; Nays none.

Affirmative.—Messrs. Adams, Albright, Allen, Beasley, Brogden, Council, Cowles, Currie, Dargan, Eppes, Fleming, Flythe, Gilmer, Hawkins, Hyman, Jones, King, Lassiter, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Morehead, Murphy, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Smith, Speed, Troy, Waddell, Warren, Whitesides and Worth—41.

Negative.-None.

On leave granted, Mr. Worth introduced a resolution for the relief of John M. Monger, sheriff of Moore county, which, under a suspension of the rules, was read and passed the first and second times and put upon its third reading and passed. Yeas 44; Nays 0.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Beasley, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Eppes, Fleming, Flythe, Gilmer, Graham, Hawkins, Hyman, King, Lassiter, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Moore, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Smith, Speed, Troy, Waddell, Warren and Worth—44.

Negative-None.

Mr. Fleming introduced a bill to empower county com-

missioners to extend the time for settlement of county taxes Read and passed first time, and referred to committee on propositions and grievances.

S. R. 10, resolution in favor of M. A. Bledsoe, was taken up and read.

The hour of eleven A. M. having arrived, the special order for that hour, to wit: S. B. 38, a bill to be entitled an act to consolidate the North Carolina Railroad Company and the Northwestern North Carolina Railroad Company was taken up.

On motion, the consideration of the special order was postponed until the resolution in favor of M. A. Bledsoe was disposed of.

The consideration of the resolution in favor of Mr. Bledsoe having been resumed, Mr. Merrimon offered a sostitute therefor, which, together with the resolution and the report of the Supreme Court relative thereto, were referred to the committee on claims.

Upon motion of Mr. Love, the special order was further postponed in order to take up S. B. 18, a bill in relation to the Keeper of the Capitel. The bill was taken up and the question recurring upon the pending amendments of Mr. Robbins, of Rowan, they were severally adopted.

Mr. Brogden moved to strike out the word square, and insert the word grounds. The amendment prevailed.

Mr. Love moved to strike out word third, and insert word fourth. The amendment prevailed.

Mr. Troy moved to strike out word office and insert word place. The amendment prevailed.

The bill then passed its third reading. Yeas 42; Nays 3.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Beasley, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Flythe, Gilmer, Graham, Hawkins, Jones, King, Lassiter, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy,

Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Smith, Troy, Waddell, Warren, Whitesides and Worth—42.

Negative-Messrs. Eppes, Hyman and Price-3.

The consideration of the special order was then resumed.

Mr. Cowles moved to amend by inserting after the word

"State" in 4th section, the word "Tennessee."

The amendment prevailed.

Mr. Troy moved to amend by inserting after the word stock the words "other than the State." The amendment did not prevail.

Mr. Troy moved to amend by adding the following additional section: "Section 6, that it shall not be in the power and it shall never be lawful for the new corporation herein created in its tariffs of treights or travel, to discriminate against the Western Railroad Company. The amendment prevailed.

The bill then passed its second reading. Yeas 40; Noes 7. Affirmative—Messrs. Adams, Albright, Allen, Barnett, Battle, Beasley, Bellamy, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Flythe, Gilmer, Graham, Hawkins, Hyman, Jones, King, Lassiter, Latham, Ledbetter, Lehman, Linney, Moore, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Skinner, Smith, Speed, Troy, Waddell, Warren and Whitesides—40.

Negative.—Messrs. Fleming, Love, Mauney, McCotter, Merrimon, Robbins of Rowan and Worth—7.

Mr. Ledbetter, from the Joint Committee on the Asylum for the Deaf, Dumb and Blind, reported S. B. 67, a bill to be entitled an act to alter chapter VI of the Revised Code, concerning the N. C. Institution for the Deaf, Dumb and Blind, with the recommendation that it do pass:

Mr. Troy introduced a joint resolution, to authorize the General Assembly to take a recess, which was laid over under the rules.

Mr. Murphy introduced the following resolution:

Resolved, That when the Senate adjourns it will adjourn to meet on to-morrow at ten o'clock, and that hereafter it shall meet at ten o'clock, A. M., and adjourn at two o'clock P. M. each day of the session.

On motion of Mr. Morehead, the Senate adjourned.

#### SEVENTEENTH DAY.

SENATE CHAMBER, December 9th, 1870.

The Senate met pursuant to adjournment, the Senator from Orange being in the chair.

Prayer by Rev. Henry Eppes.

Journal of yesterday was read.

Leave of absence was granted to Messrs. Hawkins, King and Robbins, of Davidson, until Monday next, and to Messrs. Allen and Lassiter for an indefinite time.

Mr. Currie, from the Committee on Engrossed Bills, reported as correctly engrossed the following bills:

- S. R. 96, resolution asking the Representatives of North Carolina in Congress to use their influence to amend the 14th section of the bankrupt law.
- S. B. 8, a bill to be entitled an act to repeal an act entitled an act to regulate the manner of applying for pardons.
- S. B. 95, a bill to be entitled an act to allow the legal representatives of John Turner, late sheriff of Orange county, and of Logan H. Torans, late sheriff of Lincoln, to collect arrears of taxes.
- S. B. 18, a bill to be entitled an act in relation to the Keeper of the Capitol.
- S. P. R, 12. resolution in regard to the political disabilities of Hon. A. M. Waddell and Sion H. Rogers, which together with

- S. P. B. 1, a bill to incorporate the Peoples Building and Loan Association of Salem.
- S. P. R. 11, resolution in reference to the political disabilities of Z. B. Vance, were sent to the House of Representatives for concurrence.

Mr. Jones introduced a bill in relation to the special tax money now in the Treasury or which may be repaid to that tund under chapters 80 and 174 of the public laws of 1869 and 1870, which was read and passed first time.

The rules were suspended and the bill put upon its second reading.

On motion of Mr. Cowles, the bill was ordered to be printed and made the special order for 12 o'clock on Tuesday 13th December, 1870.

Mr. Love, from Committee on Propositions and Grievances, anade the following report:

- S. B. 25, a bill to change the line between the counties of Edgecombe and Nash, with the recommendation that it do pass.
- S. B. 4, a bill to be entitled an act in relation to per diem and mileage, with the recommendation that the bill be referred to the joint committee on salaries and fees. Report concurred in.
- S. B. 107, a bill to allow the Commissioners of Orange county to levy a special tax, with the recommendation that it be amended by adding the following proviso:

Provided, That this act shall have no force or effect until submitted to and ratified by a majority of the electors of said county at an election to be held hereafter.

H. R. 16, S. R. 73, resolution in favor of W. C. Piercy, sheriff of Yancey county, recommending its passage with the tollowing amendment to be inserted after the word "fact," "or who will make oath that they believe said taxes have been paid," and the following amendment to be added after 1871:

*Provided*, the representatives of estates of deceased persons shall not be required to pay said arrears of taxes.

S. B. 97, a bill for the relief of G. B. Treadgill, recommending its passage with following amendments, to wit: After word "anthority," in section 1, insert "until January 1st, 1871;" after word "taxes," in section 2, insert words "or believes the same to have been paid;" add to section 2, words, "provided the representatives of the estates of deceased persons shall not be compelled to pay such arrears of taxes."

S. B. 98, a bill in favor of H. T. Grant, sheriff of Northampton county, recommending its passage with the following amendments: Insert in the last line but one of section 1, after word "that" the words "he or she believes;" add to section 1, the following: Provided further, that the representatives of the estates of deceased persons shall not be compelled to pay such arrears of taxes;" strike out at the end of the bill the words, ratified the 6th day of December, 1870.

Mr. Norment, from the Joint Select Committee on per diem and mileage, introduced a bill to fix the mileage and per diem of members of the General Assembly of 1870-'71, which was read and passed the first time. The rules having been suspended, the bill was put upon its second reading.

Mr. Robbins, of Davidson, moved to strike out in section 1, word "seven" and insert word "five."

The hour of 12 o'clock having arrived, the special order for that hour, to wit:

S. B. 16, a bill in relation to municipal elections, was taken up and its consideration postponed until the bill fixing per diem and mileage was disposed of.

Mr. Norment called the previous question. The Senate sustained the call. A discussion of the question having been demanded, the question recurred first upon striking out.

Upon this motion Mr. Robbins, of Rowan, demanded the yeas and nays. The Senate agreed thereto, and the motion to strike out did not prevail. Yeas 19; Nays 26.

Affirmative—Messrs. Albright, Brogden, Cook, Cowles, Currie, Fleming, King, Ledbetter, Lehman, Linney, Mauney, McCotter, Merrimon, Robbins of Davidson, Robbins of Rowan, Smith, Troy, Whitesides and Worth—19.

Negative—Messrs. Adams, Allen, Battle, Beasley, Bellamy, Council, Crowell, Dargan, Eppes, Flythe, Gilmer, Graham Hyman, Jones, Lassiter, Latham, Love, McClammy, Moore, Murphy, Norment, Olds, Price, Speed, Waddell and Warren—26.

The question here recurred upon the passage of the bill on its second reading.

Upon this Mr. Robbins, of Rowan, demanded the yeas and nays. The Senate agreed thereto, and the bill did not pass. Yeas 22; Nays 23.

Affirmative—Messrs, Allen, Battle, Beasley, Bellamy, Council, Crowell, Dargan, Eppes, Flythe, Graham, Hyman, Jones, Lassiter, Latham, Love, McClammy, Norment, Olds, Price, Speed, Waddell and Warren—27.

Negative—Messrs. Adams, Albright, Brogden, Cook, Cowles, Currie, Fleming, Gilmer, King, Ledbetter, Lehman, Linney, Mauney, McCotter, Merrimon, Moore, Murphy, Robbins of Davidson, Robbins of Rowan, Smith, Troy, Whitesides and Worth—23.

Mr. Jones moved that the Senate do now adjourn.

Upon this motion, Mr. Worth demanded the yeas and nays. The Senate agreed thereto, and the motion did not prevail. Yeas 17; Noes 26.

Affirmative—Messrs. Allen, Battle, Beasley, Bellamy, Dargan, Eppes, Fleming, Flythe, Jones, Latham, Ledbetter, Lehman, McCotter, Olds, Speed, Waddell and Warren—17.

Negative—Messrs. Adams, Albright, Brogden, Cook, Council, Cowles, Crowell, Currie, Gilmer, Hyman, King, Linney, Love, Mauney, McClammy, Merrimon, Moore, Murphy, Norment, Price, Robbins of Davidson, Robbins of Rowan, Smith, Troy, Whitesides and Worth—26.

The consideration of the special order, S. B. 16, a bill in

relation to municipal elections upon its third reading, was then resumed.

The question recurring upon the motion to reconsider the vote by which Mr. Graham's motion to strike out the word thirty and insert the word ninety was lost, Mr. King demanded the yeas and nays. The Senate agreed thereto, and the motion to reconsider prevailed. Yeas 27; Nays 14.

Affirmative—Messrs. Adams, Albright, Battle, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Graham, Jones, Latham, Ledbetter, Linney, Love, McClammy, Merrimon, Murphy, Robbins of Davidson, Robbins of Rowan, Speed, Troy, Warren, Whitesides and Worth—27.

Negative—Messrs. Beasley, Bellamy, Brogden, Eppes, Flythe, Hyman, King, Lehman, Mauney, Moore, Norment, Olds, Price and Smith—14.

The question then recurring upon the adoption of the mendment of Mr. Graham.

Mr. Jones called the previous question.

The Senate sustained the call.

The question recurring first upon the amendment,

Mr. King demanded the yeas and nays. The Senate greed thereto, and the amendment prevailed. Yeas 27; Vays 14.

Affirmative—Messrs. Adams, Albright, Battle, Cook, Counil, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Gramm, Jones, Latham, Ledbetter, Linney, Love, McClammy, Jerrimon, Murphy, Robbins of Davidson, Robbins of Rowan, peed, Troy, Warren, Whitesides and Worth—27.

Negative—Messrs. Beasley, Bellamy, Brogden, Eppes, lythe, Hyman, King, Lehman, Mauney, Moore, Norment, lds. Price and Smith—14.

The question then recurring upon the passage of the bill on s third reading, the bill was passed. Yeas 27; Nays 13.

Affirmative—Messrs. Adams, Albright, Battle, Cook, Counl, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Graam, Jones, Latham, Linney, Love, Mauney, McClammy, Merrimon, Murphy, Robbins, of Davidson, Robbins of Rowar Speed, Troy, Warren, Whitesides and Worth—13.

Negative—Messrs. Beasley, Bellamy, Brogden, Eppe Flythe, Hyman, King, Lehman, Moore, Norment, Olds, Pricand Smith—13.

The following bills were introduced by message from the House of Representatives, read and passed first time at then were disposed of as follows:

H. B. 12, a bill to be entitled an act authorizing the la sheriffs of Yadkin and Surry counties to collect arrears taxes for 1869-'70. Referred to committee on proposition and grievances.

H. R. 20, resolution instructing Senators and requesting Re resentatives in Congress to urge the passage of an act of ge eral amnesty. Ordered to be placed on calendar.

Mr. Price introduced a joint resolution in relation to eduction, which was read and laid over under the rules.

Mr. Price introduced a resolution requesting the Judicia: Committee to report on certain bills.

On motion of Mr. Robbins, of Rowan, S. B. 119, a bill be entitled an act to allow the commissioners of Chatha county to levy a special tax and appoint a tax collector, w taken up and put upon its second reading.

The question recurring upon the passage of the bill, it passage its second reading. Yeas 28; Nays 2.

Affirmative—Messrs. Adams, Albright, Brogden, Coo Council, Cowles, Crowell, Eppes, Flythe, Gilmer, Grahar Jones, King, Latham, Linney, Love, Mauney, McClamm Merrimon, Murphy, Norment, Robbins of Davidson, Robbin of Rowan, Smith, Troy, Warren, Whitesides and Worth—2

Negative-Messrs, Fleming and Hyman-2.

Mr. Norment introduced a resolution of instructions to the judiciary committee in reference to the law to repress villence in Robeson county, which was adopted.

On leave, Mr. Love introduced a bill to be entitled an a to establish and build the Whiteside Mountain Turnpik

which was read first time, passed and referred to committee on internal improvements.

On leave, Mr. Graham introduced a bill to authorize the commissioners of Guilford county to issue bonds for the purpose of funding and paying off the county debt, which was read first time, passed and referred to the committe on finance.

Mr. Troy moved that the Senate do now adjourn.

Upon this motion, Mr. Jones demanded the yeas and nays.

The Senate agreed thereto, and the motion did not prevail.

Yeas 4; Nays 28.

Affirmative—Messrs. Albright, King, Troy and Whitesides—4.

Negative.—Messrs. Adams, Albright, Beasley, Bellamy, Brogden, Cook, Council, Cowles, Crowell, Eppes, Fleming, Flythe, Gilmer, Hyman, Jones, King, Latham, Linney, Love, Mauney, McClammy, Merrimon, Murphy, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Smith and Worth—28.

Mr. Smith, on leave, introduced a bill to be entitled an act to amend chapter 166, of the public laws of 1869-70, which was read first time, passed and referred to committee on internal improvements.

On leave, Mr. Warren introduced the following bills:

A bill to be entitled an act to prohibit Justices of the Peace from practicing as Attorney at Law, in certain cases, and a bill to be entitled an act concerning debts contracted by municipal corporations, which was read first time, severally passed and referred to committee on the judiciary.

On motion of Mr. Jones, leave of absence until Tuesday morning was granted to Mr. Smith.

Mr. Troy moved that the Senate do now adjourn. Upon this motion the yeas and nays were demanded.

The Senate agreed thereto, and the motion did not prevail. Yeas 4; Nays 23.

Affirmative—Messrs. King, Murphy, Robbins of Davidson and Warren—4.

Negative—Messrs. Albright, Beasley, Bellamy, Brogden, Council, Cowles, Crowell, Eppes, Fleming, Flythe, Gilmer, Jones, Latham, Linney, Love, Mauney, McClammy, Merrimon, Norment, Olds, Smith, Troy and Worth—23.

On leave, Mr. Troy introduced a resolution in favor of K. H. Worthy, late sheriff, and L. C. Alred, late tax collector of the county of Moore, which was read first time, passed and referred to committee on finance.

On motion of Mr. Price, the Senate adjourned.

### EIGHTEENTH DAY.

SENATE CHAMBER, December 10th, 1870.

The Senate met pursuant to adjournment.

The President in the chair.

Prayer by the Rev. Mr. Atkinson.

The Journal of yesterday was read.

Mr. Currie, from the Committee on Engrossed Bills, reported as correctly engrossed the following, which were sent to the House of Representatives for concurrence:

S. B. 123, a bill to be entitled an act to extend the time for collecting and paying over the taxes for county purposes, for the county of Martin.

S. R. 125, a resolution for the relief of John M. Monger, sheriff of Moore county.

Mr. Warren, from the Committee on the Judiciary, reported S. B., 41, a bill to be entitled an act to repeal certain sections and amend others in chapter 270, laws of 1868-'9, with a substitute therefor.

Mr. Dargan, from the Judiciary Committee, reported S. B. 57, a bill to be entitled an act to abolish the common law right of dower, and asked to be discharged from its further consideration.

Mr. Jones, from the Committee on the Judiciary, reported S. B. 113, a bill to be entitled an act to restore and reinstate burnt records in the several counties, &c., with the recommendation that it do pass.

On motion of Mr. Warren, from Judiciary Committee, S. R. 47, resolution to enforce labor on public roads, was referred

to the committee on public roads, rivers, bridges, &c.

The introduction of bills being now in order, the following were introduced, read first time, passed and otherwise disposed of, as follows:

By Mr. Graham, a bill to be entitled an act to incorporate the Yanceyville, Danville and Coal Field Railroad. Referred to committee on internal improvements.

By Mr. Troy, a bill to be entitled an act to incorporate the Fayetteville Independent Bucket Company. Referred to committee on corporations.

By Mr. Whitesides, a bill to be entitled an act to regulate the *per diem* and mileage of the officers and members of the General Assembly. Referred to the select committee on *per diem* and mileage.

By Mr. McClammy, a bill to be entitled an act to amend section 16 Code of Civil Procedure. Referred to committee on indiciony.

judiciary.

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By Mr. Love, a bill to be entitled an act in relation to the Western Turnpike Road. Referred to committee on internal improvements.

By Mr. Allen, a bill to be entitled an act to repeal an act authorizing the commissioners of Jones county to levy a special tax, and also an act to allow the county commissioners of Jones county to levy a special tax. Referred to committee on propositions and grievances, with accompanying memorial.

Mr. Currie moved to reconsider the vote by which S. B. 140, a bill to be entitled an act to fix the mileage and per diem of members of the General Assembly of 1870-'71, was rejected.

Mr. Graham called the previous question. The Senate sustained the call.

The question recurring on the motion to reconsider, the year and nays were demanded. The Senate agreed thereto, and the motion prevailed. Yeas 40; Nays 5.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Beasley, Bellamy, Cook, Council, Cowles, Crowell, Currie, Dargan, Eppes, Fleming, Flythe, Gilmer, Graham, Hyman, Jones, Lassiter, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Moore, Murphy, Norment, Olds, Speed, Waddell and Warren—35.

Negative—Messrs. Merrimon, Robbins, of Rowan, Troy, Whitesides and Worth—35.

The question then recurring upon the passage of the bill upon its second reading, Mr. Hyman called the previous question. The Senate sustained the call.

The question again recurring upon the passage of the bill, Mr. Robbins, of Rowan, demanded the yeas and nays. The Senate agreed thereto, and the bill passed its second reading. Yeas 24; Nays 16.

Affiirmative—Messrs. Allen, Beasley, Bellamy, Cowles, Crowell, Currie, Dargan, Eppes, Flythe, Graham, Hyman, Jones, Lassiter, Latham, Lehman, Love, McClammy, McCotter, Moore, Norment, Olds, Speed, Waddell and Warren—24.

Negative—Messrs. Adams, Albright, Battle, Cook, Council, Fleming, Gilmer, Ledbetter, Linney, Manney, Merrimon, Murphy, Robbins of Rowan, Troy, Whitesides and Worth—16.

Mr. Jones introduced a bill to be entitled an act to incorporate the Hebrew Benevolent Society of the city of Charlotte, N. C., which was read and passed first time, and referred to committee on corporations.

The President announced the following named Senators as constituting the Senate branch of the committee on constitutional reform court, Messrs. Cook, Latham, Moore, Linney and Hyman.

Mr. Murphy introduced a bill to be entitled an act concerning divorce, which was read first time, passed and referred to the committee on the judiciary.

Mr. Olds introduced a resolution in favor of Hackney Pool, which was read and laid over under the rules.

Mr. Adams introduced a resolution of enquiry of the Governor, in regard to military operations and expenses in this State last summer, which was read and rejected.

Mr. Murphy introduced a resolution instructing the Committee on Printing to have the names of the members of the standing committees of the Senate and of the Senate branch of joint committees, printed and placed in Senate chamber, which was adopted.

H. R. 34, resolution creating a School Fund was then taken up, read, and on motion of Mr. Eppes, made special order for eleven o'clock on Wednesday, 14th December.

H. R. 55, resolution of instruction to committee on Deaf, Dumb and Blind Asylum, was read and adopted.

On motion of Mr. Jones, leave of absence was granted to Mr. Graham until Wednesday next.

On motion of Mr. Eppes, leave of absence was granted to Mr. Price until Tuesday next.

S. R. 83, resolution in regard to the Executive Mansion was taken up and read.

Mr. Cowles offered a substitute for the resolution.

Mr. Olds moved to amend the substitute by striking out the words Public Treasurer and insert words Superintendent of Public Works.

Mr. Jones moved to lay the resolution and substitute upon exthe table.

to The motion prevailed.

Mr. Allen moved to suspend the rules and put upon its several readings.

H. B. 16, S. B. 76, a bill to be entitled an act to repeal an under to better secure life and property. The motion prevailed, and the bill was put upon its second reading and passed. The motill was then put upon its third reading.

Mr. Jones called the previous question. The Senate susained the call. The question recurring on the passage of the

bill on its third reading, the bill passed. Yeas 32; Nays 7. Affirmative—Messrs. Adams, Albright, Allen, Battle, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Graham, Jones, Latham, Ledbetter, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Speed, Troy, Waddell, War-

ren, Whitesides and Worth—32.

Negative—Messrs. Beasley, Eppes, Hyman, Lassiter,
Lehman, Moore and Olds—7.

S. R. 106, resolution to appoint a Joint Committee to report a bill for establishing three terms of the Superior Courts a year, was read and adopted.

S. R. 127, joint resolution to authorize the General Assembly to take a recess, was taken up and read.

Mr. Jones moved to postpone the consideration of the bill until Tuesday.

Mr. Love moved to postpone indefinitely. The motion did not prevail.

Mr. Love moved to postpone until 21st December.

Mr. Murphy called the previous question. The Senate sus tained the call.

The question recurring first upon Mr. Love's motion, the motion did not prevail.

The question then recurring upon the motion of Mr. Jones the motion did not prevail.

The question then recurring upon the adoption of the resolution, Mr. Love demanded the yeas and nays. The Senatagreed thereto, and the resolution was adopted. Yeas 25 Nays 12.

Affirmative—Messrs. Albright, Battle, Beasley, Cook, Courcil, Crowell, Currie, Dargan, Eppes, Fleming, Flythe, Hyman Lassiter, Latham, Ledbetter, Lehman, Linney, Love, McClammy, McCotter, Murphy, Olds, Speed, Troy and Waddell—28

Negative—Messrs. Adams, Allen, Cowles, Gilmer, Graham Jones, Mauney, Merrimon, Robbins of Rowan, Warren Whitesides and Worth—12.

S. R. 131, resolution in regard to a system of public instruction, was read, and on motion of Mr. Hyman, the further consideration thereof was postponed until Wednesday, 14th December.

S. R. 132, resolution in regard to House of Correction, was read and rejected.

On motion of Mr. Dargan, the rules were suspended, and H. B. 104, S. B. 116, a bill to supply a temporary deficiency in the Treasury, was put upon its second reading and passed. Yeas 27; Nays 10.

Affiimative—Messrs. Adams, Albright, Battle, Beasley, Cook, Council, Crowell, Currie, Dargan, Fleming, Flythe, Graham, Hyman, Jones, Latham, Ledbetter, Lehman, Linney, Mauney, McCotter, Norment, Olds, Robbins of Rowan, Troy, Waddell, Whitesides and Worth—27.

Negative—Messrs. Allen, Cowles, Gilmer, Lassiter, Love, McClammy, Merrimon, Moore, Murphy and Speed—10.

On motion of Mr. Troy, the rules were suspended, and H. B. 30, S. B. 110, a bill to be entitled an act to restore to the Western Railroad Company its original chartered privileges, o regulate the appointment of State Directors and to define the vote of the State on the general meeting of the stockholders of said Company, was put upon its second reading.

Mr. Graham moved to amend by adding following provise of section 1; Provided, That no claim whatever of the State for stock in said Company shall be surrendered until the bonds by which such stock was obtained shall be returned to the large treasury. The amendment prevailed. The vote then passed to second reading, and on motion of Mr. Robbins, of Rowan, was ordered to be printed.

On motion of Mr. Albright, the rules were suspended, and B. 119, a bill to allow the commissioners of Chatham County to levy a special tax and appoint a tax collector, was tread third time and passed. Yeas 32; Nays 4.

Affirmative—Messrs. Adams, Albright, Battle, Beasley, ouncil, Cowles, Crowell, Carrie, Dargan, Fleming, Flythe,

Gilmer, Graham, Jones, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Murphy, Norment, Olds, Robbins of Rowan, Speed, Troy, Waddell, Warren, Whitesides and Worth—32.

Negative—Messrs. Bellamy, Eppes, Hyman and Moore—4. Mr. Merrimon, from the Committee on Enrolled Bills, reported as correctly enrolled the following bills, to wit:

An act to amend an act entitled an act for the incorporation of the town of Washington, ratified the 18th day of January 1847.

Resolution in favor of George B. McCotter, tax collector of Pitt county.

Joint resolution to raise a committee on constitutional reform.

Senate resolution in regard to soldiers of the war of 1812.

An act concerning townships in the county of Jackson.

Resolution in relation to raising a joint select committee or per diem and mileage.

Resolution in favor of Henry J. Grant, sheriff of Northampton county, and J. T. Ferguson, sheriff of Wilkes county which were duly ratified and transmitted to the Secretary of State.

On motion of Mr. Adams Senate adjourned.

# NINETEENTH DAY.

SENATE CHAMBER, December 12th, 1870.

The Senate met pursuant to adjournment. Prayer by the Rev. L. S. Burkhead. Journal of yesterday was read.

Mr. Robbins, of Davidson, asked and obtained leave to hav his vote recorded in the affirmative on the vote by which of Saturday H. B. 16, S. B. 76, a bill to be entitled an act t repeal an act to better secure life and property was passed on its third reading, and also to record his vote in the negative on the vote by which on Saturday was passed S. B. 140, a bill to fix the mileage and *per diem* of members of the General Assembly of 1870–71.

Mr. McClammy presented a petition from citizens of Franklin Township, New Hanover county, asking that a certain portion of said county be transferred to the county of Sampson, which was read and referred to the committee on propositions and grievances.

Mr. Speed presented memorial from Mrs. Sarah E. Mann, which was read and referred to committee on the judiciary.

Mr. Norment, from the Committee on Public Grounds, reported S. R. 82, resolution authorizing President of the Senate to employ help for the doorkeeper, with a substitute therefor.

Mr. Norment, from same committee, reported S. R. 91, resolution paying Pages for services rendered, with a recommendation that it do pass with the following amendments, to wit: Insert after word "doorkeeper" the words, "of the Senate and House of Representatives."

Mr. Currie, from Committee on Engrossed Bills, reported as correctly engrossed, the following bills:

S. B. 16, a bill to be entitled an act in relation to municipal corporations.

S. B. 119, a bill to be entitled an act to allow the commissioners of Chatham county to levy a special tax and appoint a tax collector, which were sent to the House of Representatives for concurrence.

Mr. Love, from the Committee on Propositions and Grievances, reported H. B. 20, S. B. 112, an act for the relief of the sheriff of Watauga county, with the recommendation that it do pass, with the following amendment: first, add to first section the words, "and the costs of the suit imposing the penalty aforesaid."

The introduction of bills being now in order, the following

were introduced, read and passed first time and otherwise disposed of, as follows:

By Mr. Merrimon, a bill to be entitled an act to punish officers and agents of railroad companies and other persons for embezzlement and other offences. Referred to committee on the judiciary.

By Mr. Cook, a bill to be entitled an act for the better construction of a bridge across the Yadkin river, at or near Wilkesboro'. Referred to committee on propositions and grievances.

By Mr. Merrimon, a bill to be entitled an act in relation to mileage and *per diem* of the members and officers of the General Assembly of North Carolina. Referred to select committee on *per diem* and mileage.

The special order for the day, S. R. 30, resolution to consolidate the public debt, was taken up and read.

Mr. Olds moved to strike out the preamble. The motion did not prevail.

Mr. Jones moved to strike out all after the preamble, and insert as follows: "Now, therefore, be it resolved by the Senate of North Carolina, that the Committee on the Judiciary are instructed to inquire what legislation under the Constitution is practicable to consolidate or to compromise the present State debt."

The amendment prevailed. The resolution as asmended was then adopted.

S. R. 149, resolution in favor of Hackney Pool, was then taken up, read and referred to committee on claims.

Mr. Love moved to reconsider the vote by which S. R. 127, joint resolution to authorize the General Assembly to take a recess, was adopted on Saturday last. Upon this motion, Mr. Robbins, of Rowan, demanded the yeas and nays. The Senate agreed thereto, and the motion to reconsider prevailed. Yeas 26; Nays 17.

Affirmative—Messrs. Adams, Albright, Cook, Council, Cowles, Currie, Dargan, Fleming, Gilmer, Hyman, Jones,

Latham, Ledbetter, Love, Mauney, McClammy, Merrimon, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Smith, Warren, Whitesides and Worth—26.

Negative—Messrs. Battle, Beasley, Bellamy, Brogden, Crowell, Eppes, Flythe, Hawkins, King, Lehman, Linney, McCotter, Moore, Olds, Price, Speed and Waddell—17.

Mr. Love moved to strike out word eleventh, and insert word eighteenth.

Upon this motion, Mr. Cowles demanded the yeas and nays. Mr. Jones moved to postpone the consideration of the resotion until Saturday next. The motion did not prevail.

Mr. Robbins moved to lay the resolution upon the table, and upon this motion demanded the ayes and nays. The Senate agreed therety and the motion did not prevail. Yeas 16; Nays 26.

Affirmative—Messrs. Battle, Currie, Fleming, Gilmer, Jones, Latham, Mauney, Merrimon, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Warren, Whitesides and Worth—16.

Negative—Messrs. Adams, Albright, Beasley, Bellamy, Brogden, Cook, Council, Cowles, Crowell, Dargan. Eppes, Flythe, Hawkins, Hyman, King, Ledbetter, Lehman, Linney, Love, McCotter, Moore, Norment, Olds, Smith, Speed and Waddell—26.

Mr. Love called the previous question. The Senate sustained the call. The question then recurring upon the motion of Mr. Love to strike out and insert, the Senate agreed to the demand for the yeas and nays, and the motion did not prevail. Yeas 13; Nays 29.

Affirmative—Messrs. Albright, Beasley, Bellamy, Eppes, Flythe, King, Ledbetter, Lehman, Love, Norment, Price, Smith and Waddell—13.

Negative—Messrs. Adams, Battle, Brogden, Cook, Council, Cowles, Currie, Dargan, Fleming, Gilmer, Hawkins, Hyman, Jones, Latham, Linney, Mauney, McClammy, McCotter, Merrimon, Moore, Murphy, Olds, Robbins of Davidson, Robbins

of Rowan, Skinner, Speed, Warren, Whitesides and Worth—29.

The question then recurring upon the adoption of the resolution, Mr. Love demanded the yeas and nays. The Senate agreed thereto, and the resolution was adopted. Yeas 23; Nays 19.

Affirmative—Messrs. Adams, Albright, Battle, Beasley, Bellamy, Brogden, Council, Crowell, Eppes, Flythe, Hawkins, Hyman, King, Ledbetter, Lehman, Linney, McCotter, Moore, Norment, Skinner, Smith, Speed and Waddell—23.

Negative—Messrs. Cook, Cowles, Currie, Dargan, Fleming. Gilmer, Jones, Latham, Love, Mauney, McClammy, Merrimon, Murphy, Price, Robbins of Davidson, Robbins of Rowan, Warren, Whitesides and Worth—19.

The following bills and resolutions were introduced by message from the House of Representatives, read first time and passed and referred, or otherwise disposed of, as follows:

H. B. 32, a bill to be entitled an act to repeal an act entitled an act in relation to taking fish from the northeast branch of the Cape Fear river, and for other purposes. Referred to committee on propositions and grievances.

H. B. 37, a bill to be entitled an act to prescribe the time for the sheriffs to settle for State and county taxes. Referred to committee on finance.

H. B. 38, a bill to be entitled an act to repeal section 7, chap. 167 of public laws N. C., 1868-'69. Referred to the committee on the judiciary.

H. B. 86, a bill to be entitled an act to amend the charter of the town of Goldsboro'. Referred to committee on corporations.

H. R. 86, resolution in regard to adjournment. Read and laid over under the rules.

H. R. 19, resolution to investigate the conduct of certain public officers who have had charge of public funds. Read and laid over under the rules.

H. B. 23, a bill to be entitled an act in regard to town lots in the town of Sparta. Referred to committee on judiciary.

H. R. 24, resolution in favor of W. H. Higden, late sheriff of Macon county. Referred to committee on propositions and grievances.

H. R. 26, resolution in favor of the sheriff of Stokes.

H. B. 140, a bill to be entitled an act to fix the *per diem* and mileage of members and officers of the General Assembly of 1870–'71. Referred to select committee on *per diem* and mileage.

H. B. 89, a bill to be entitled an act for the relief of John D. Davis, sheriff of Carteret. Referred to committee on finance.

Mr. Latham, from Committee on Claims, submitted a majority, and Mr. Norment, from same committee, submitted maminority report on S. R. 10, resolution in favor of M. A. Bledsoe, which, together with the resolution, were placed on the calendar.

Mr. Albright introduced the following resolution to wit:

Resolved, That the House hold regular night sessions until the 22d instant, to begin at half-past seven o'clock, P. M."

Upon this question the yeas and nays were demanded. The Senate agreed thereto, and there were cast in the affirmative twenty-one votes, and in the negative twenty-one votes. Thereupon the President voted in the negative, and the resolution was not adopted.

Affirmative—Messrs. Adams, Albright, Battle, Cook, Council, Cowles, Crowell, Currie, Gilmer, King, Ledbetter, Linney, Love, Mauney, McClammy, Merrimon, Robbins of Davidson, Robbins of Rowan, Waddell, Whitesides and Worth—21.

Negative—Messrs. Beasley, Bellamy, Brogden, Dargan, Eppes, Fleming, Flythe, Hawkins, Hyman, Jones, Latham, Lehman, McCotter, Moore, Murphy, Norment, Olds, Price, Skinner, Speed and Warren—21.

On motion of Mr. Robbins, of Rowan, the Committee on

Finance was instructed to report at once upon H. B. 89, for the relief of the sheriff of Carteret county.

Mr. Gilmer introduced a bill to be entitled an act to amend the charter of the town of High Point, which was read first time, passed and referred to committee on propositions and grievances.

The unfinished business being now in order, the resolution offered by Mr. Murphy, fixing the hours for the meeting and adjournment of the daily sessions of the Senate, was taken up and read.

Mr. Latham moved to strike out word ten, and insert word eight. The motion did not prevail.

Mr. Cowles moved to strike out word two, and insert word three. The motion did not prevail.

Mr. Gilmer moved to lay the resolution on the table, and the motion prevailed.

Under a suspension of the rules, Mr. Jones, from the Committee on Finance, reported H. B. 89, a bill to be entitled an act for the relief of the sheriff of Carteret, with the recommendation that it do pass, and the bill was read and passed the second time. The bill was then put upon its third reading and passed. Yeas 37; Nays 0.

Affirmative—Messrs. Albright, Battle, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Eppes, Fleming, Flythe, Gilmer, Hawkins, Hyman, Jones, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell, Warren, Whitesides and Worth—37.

Negative-None.

Bills upon their third reading being now in order,

S. B. 13, a bill to be entitled an act to allow the transfer of certain cases pending in the late Courts of Equity, was read third time and passed. Yeas 32; Nays none.

Affirmative-Messrs. Albright, Battle, Beasley, Bellamy, Brogden, Council, Cowles, Crowell, Currie, Dargan, Eppes, Flem-

ing, Gilmer, Hawkins, Hyman, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McCotter, Merrimon, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell, Whitesides and Worth—32.

Negative-None.

S. B. 35, a bill requiring sheriffs and coroners to give notice to parties in whose favor they have process for collection of money was taken up and read third time. The question recurring upon the adoption of the substitute offered by the Judiciary Committee, the substitute was adopted and the bill passed its third reading. Yeas 34; Nays 2.

Affirmative--Messrs. Adams, Albright, Battle, Beasley, Bellamy, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Hawkins, Jones, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Smith, Speed, Waddell, Warren, Whitesides and Worth—34.

Negative—Messrs. Brogden and Hyman—2.

S. B. 38, a bill to be entitled an act to consolidate the "North Carolina R. R. Company and the Western N. C. R. R. Company," was taken up and read third time.

Mr. Merrimon offered an amendment, pending which, on motion of Mr. Fleming, the Senate adjourned.

# TWENTIETH DAY.

SENATE CHAMBER, December 13th, 1870.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Norment.

Journal of yesterday was read.

Mr. Currie, from Committee on Engrossed Bills, reported as correctly engrossed, S. R. 106, resolution to appoint a Joint Committee to report a bill for establishing three terms of the

Superior Courts a year, which, with S. B. 16, a bill in relation to municipal corporations, and S. B. 119, a bill to allow the commissioners of Chatham county to levy a special tax and to appoint a tax collector, was transmitted to the House of Representatives for concurrence.

Mr. Robbins, of Davidson, from the Committee on Enrolled Bills, reported as correctly enrolled the following:

Resolution to print rules of the Senate and House of Representatives.

An act to repeal an act entitled an act to secure the better protection of life and property, ratified the 29th day of January, 1870.

Resolution relating to the political disabilities of Z. B. Vance. An act for the relief of John D. Davis, sheriff of Carteret county.

Which were ratified and transmitted to the Secretary of State.

Mr. Warren, from the Committee on Judiciary, reported the following bills:

S. B. 148, a bill to be entitled an act concerning divorce, with the recommendation that it do not pass.

S. B. 134, a bill to be entitled an act concerning debts contracted by municipal corporations, with recommendation that it do pass.

S. B. 135, a bill to be entitled an act to prohibit the Justices of the Peace from practicing as attorneys in certain cases, with the recommendation that it do pass.

Mr. Moore, from the Committee on Corporations, reported the following bills:

S. B. 9, a bill to be entitled an act to repeal an act to extend the corporate limits of the town of Lumberton, in the county of Robeson, recommending its passage.

S. B. 66, a bill to be entitled an act to repeal certain acts in relation to the town of Fayetteville, and to prescribe the qualifications of voters in municipal elections in said town, recommending its passage with accompanying amendment.

S. B. 118, a bill to be entitled an act relative to the Western Turnpike Road, leading from Asheville westward, &c., recommending its passage.

H. B. 17, a bill to be entitled an act to repeal an act to extend the corporate limits of the town of Goldsboro', with recom-

mendation that it do pass.

S. B. 8, a bill to be entitled an act to incorporate the Mechanics Association, of Wilmington, with recommendation that it do not pass.

Mr. Worth, from the Committee on Agriculture, reported S. B. 21, a bill to be entitled an act to amend chapter 60, section 53, Revised Code.

The following bills were then introduced, read first time, passed and referred, as follows:

By Mr. Robbins, of Davidson, a bill to be entitled an act to change the corporation boundaries of the town of Lexington, in Davidson county. Referred to committee on corporations.

By Mr. Currie, a bill to be entitled an act to amend charter of Bladen Land Company.

Also, by Mr. Currie, a bill to be entitled an act to revive and amend an act entitled an act to incorporate the Bladen Manufacturing Company, ratified 26th January, 1867. Referred to committee on corporations.

By Mr. Norment, a bill to be entitled an act to prevent the sale of spirituous liquors within two miles or less of Antioch Baptist Church in the county of Robeson. Referred to committee on propositions and grievances.

Mr. Love, from the special committee, to ascertain the actual amount of money in the Treasury submitted a report, which was read and five copies thereof ordered to be printed for each Senator.

Mr. Merrimon introduced a bill to be entitled an act to repeal an act in relation to mileage and *per diem*, ratified the 26th day of November, 1869, which was read and passed first time.

Mr. Merrimon moved to suspend the rules to put the bill

upon its second reading. Upon this motion Mr. Cook demanded the yeas and nays. The Senate agreed thereto and the motion prevailed Yeas 37; Nays 4.

Affirmative—Messrs. Adams, Albright, Cook, Council, Cowles, Crowell, Currie, Dargan, Eppes, Fleming, Gilmer, Hawkins, Jones, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morchead, Murphy, Norment, Olds, Price, Robbins of Davidson, Skinner, Smith, Speed, Troy, Waddell, Warren and Worth—37.

Negative—Messrs. Battle, Beasley, Bellamy and Flythe—4. The bill was then read second time. Mr. Olds moved to postpone its further consideration until 11th January, 1871. Mr. Olds called the previous question. The Senate did not sustain the call.

The question recurring upon the motion to postpone the motion did not prevail. The bill then passed the second time.

On motion of Mr. Cook, the rules were suspended, and the bill was put upon its third reading and passed. Yeas 43; Nays 0.

Affirmative—Messrs. Adams, Albright, Battle, Beasley, Bellamy, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Eppes, Fleming, Flythe, Gilmer, Hawkins, Jones, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Smith, Speed, Troy, Waddell, Warren and Worth—43.

Negative-None.

The hour of eleven, A. M., having arrived, the special order for that hour, to-wit: resolutions from the Select Committee of Inquiry as to votes in the 26th Senatorial District, was announced.

Mr. Robbins, of Rowan, from said Committee, submitted the following resolutions:

Resolved 1st, That John A. Gilmer is entitled to hold his seat as a member of the Senate.

Resolved 2nd, That the seat held by William A. Smith, as Senator from the 26th District, is hereby declared vacant.

Mr. Speed, from same Committee, submitted the following resolutions:

- 1. Resolvd, That John A. Gilmer and William A. Smith, sitting members of this Senate, for the 26th Senatorial District, were not legally and constitutionally elected to this General Asembly by the free and unrestrained electors of said District.
- 2. Resolved, That the seats in this Senate for the 26th Senatorial District be, and the same are hereby declared vacant.
- 3. Resolved, That the Governor be, and is hereby requested to issue his proclamation, ordering an election in the 26th Senatorial District, for two members to fill the seats for said district declared vacant.

Mr. Brogden, from same Committee, reported the following resolution:

Resolved, That John A. Gilmer and William A. Smith having been duly elected to the State Senate by the legal and qualified voters of the 26th Senatorial District at the regular election held according to law, in every township in said District, on the 4th day of April, 1870, are therefore entitled to hold their seats in the Senate as Senators from the 26th Senatorial District.

Mr. Robbins, of Rowan, called for the previous question. The Senate sustained the call. The question recurring first upon the resolutions offered by Mr. Brogden,

Mr. Robbins, of Rowan, demanded the yeas and nays. The Senate agreed thereto, and the resolutions were not adopted. Yeas 13; Nays 26.

Affirmative—Messrs. Beasley, Bellamy, Brogden, Eppes,

Elythe, Hawkins, King, Lehman, Love, Mauney, McCotter, Norment and Olds—13.

Negative—Messrs. Adams, Albright, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Jones, Latham, Linney. McClammy, Merrimon, Moore, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren, Whitesides and Worth—26.

The question next recurring upon the resolutions offered by Mr. Speed, the yeas and nays were demanded. The Senate agreed thereto and the resolutions were not adopted. Yeas 14; Nays 23.

Affirmative—Messrs. Beasley, Bellamy, Cook, Cowles, Eppes, Fleming, Flythe, Hawkins, King, McCotter, Moore, Norment, Olds and Speed—14.

Negative—Messrs. Adams, Albright, Brogden, Currie, Dargan, Jones, Latham, Lehman, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Warren, Whitesides and Worth—23.

The question next recurring upon the resolutions offered by Mr. Robbins, of Rowan, the yeas and nays were demanded. The Senate agreed thereto, and the resolutions were adopted. Yeas 21; Nays 17.

Affirmative—Messrs. Adams. Albright, Crowell, Currie, Dargan, Jones, Latham, Linney, Mauney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Royan, Skinner, Troy, Waddell, Warren, Whitesides and Worth—21.

Negative—Messrs. Beasley, Bellamy, Brogden, Cook, Cowles, Eppes, Fleming, Flythe, Hawkins, King, Lehman, Love, Mc-Cotter, Moore, Norment, Olds and Speed—17.

On motion of Mr. Murphy, the Senate adjourned.

#### TWENTY-FIRST DAY.

SENATE CHAMBER, December 14th, 1870.

The Senate met pursuant to adjournment.

Prayer by the Rev. Stephen Collis.

Journal of yesterday was read.

Mr. Fleming asked and obtained leave to have his name recorded in the negative, on the vote by which the resolutions offered by Mr. Brogden on Saturday, in relation to the 26th Senatorial District, were rejected.

Mr. Mauney, having voted under a misapprehension, asked and obtained leave to change his vote from the affirmative to the negative, on the vote by which the resolutions offered by Mr. Brogden, in relation to the 26th Senatorial District, were rejected.

Mr. Currie, from the Committee on Engrossed Bills, reported as correctly engrossed, the following bills:

S. B. 35, a bill to be entitled an act requiring sheriffs and coroners to give notice to parties in whose favor they have process for collection of money.

S. B. 13, a bill to be entitled an act to allow the transfer of certain cases pending in the late Courts of Equity.

S. R. 127, resolution authorizing the General Assembly to take a recess, which was transmitted to the House of Representatives for concurrence.

Mr. Robbins, of Rowan, from Committee on Internal Improvements, reported the following bills, to wit:

H. B. 13, S. B. 84, a bill to be entitled an act to consent to the purchase, by the United States of America, of a site for a Light House, at or near Bodies Island, between Cape Hatters and Cape Henry.

S. B. 140, a bill to be entitled an act to incorporate the Yanceyville, Danville and Coal Field Railroad, and recommended their passage.

Mr. Latham, from the Committee on Finance, reported S. R 133, resolution in favor of sheriffs and tax collectors, and recommended its passage with accompanying amendments.

Mr. Mauney, from Committee on Finance, reported S. B. 137, a bill to be entitled an act to authorize the Commissioners of Guilford county to issue bonds for the purpose of funding and paying off the county debts, with the recommendation that it do pass.

The following were introduced by message from the House of Representatives, and disposed of as follows:

H. R. 28, resolution in regard to an act to provide for the completion of the Western Division of the Western N. C. R. Read and laid over under the rules.

H. R., resolution in regard to printing. Read and laid over under the rules.

R. B. 150, a bill to be entitled an act to appoint Commissioners to take depositions in the matter of the contested election case from Wayne county, which was read and passed the first time.

On motion of Mr. McClammy, the rules were suspended, and the bill put upon its second and third readings and passed. Yeas 33; Nays 11.

Affirmative—Messrs. Adams, Albright, Battle, Bellamy, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Graham, Jones, Latham, Ledbetter, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Robbins, of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren, Whitesides and Worth—33.

Negative—Messrs. Beasley, Brogden, Eppes, Flythe, Hawkins, King, Lehman, McCotter, Moore, Olds and Price—11.

A communication from the Code Commission was then announced, and it was moved that the same be referred to the committee on the judiciary.

Mr. Love moved to lay the communication on the table. The motion prevailed.

Mr. Lehman introduced a bill to amend the Code of Civil Practice and Procedure, which was read.

Mr. Warren moved that the bill be rejected.

Upon this motion, Mr. Lehman demanded the yeas and nays.

Mr. Love called the previous question. The Senate sustained the call.

The demand for the yeas and nays was agreed to, and the bill rejected. Yeas 29; Nays 13.

Affirmative—Messrs. Adams, Battle, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Graham, Jones, Latham, Ledbetter, Linney, Love, Mauney, McClammy, Merrimon, Morchead, Murphy, Norment, Robbins of Davidson, Skinner, Speed, Troy, Waddell, Warren and Worth—29.

Negative—Messrs. Beasley, Bellamy, Brogden, Eppes, Flythe, Hawkins, Hyman, King, Lehman, McCotter, Olds, Price and Whitesides—13.

Mr. Cook, from the Committee on Constitutional Reform, reported a bill to be entitled an act concerning a Convention of the people, which was read and passed first time.

Mr. Olds moved that it be printed and made special order for Wednesday next.

Mr. Cook moved to print the bill, and to make it the special order for 11 o'clock to-morrow.

The motion of Mr. Cook prevailed.

Mr. Gilmer introduced a bill to be entitled an act in relation to an election to fill the vacancy in the 26th Senatorial District, which was read and passed the first time. The rules having been suspended, the bill was put upon its third reading.

Mr. Moore moved to amend by striking out words 24th of December, 1870, and inserting 12th of January, 1871.

Upon this the yeas and nays were demanded. The Senate agreed thereto and the amendment did not prevail. Yeas 11; Nays 34.

Affirmative—Messrs. Beasley, Eppes, Flythe, Hawkins, Hyman, King, Lehman, McCotter, Moore, Olds and Price—11.

Negative—Messrs. Adams, Albright, Battle, Bellamy, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Graham, Jones, Latham, Ledbetter, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren, Whitesides and Worth—34.

The bill then passed its second reading. The rules having been suspended the bill was put upon its third reading and

passed. Yeas 37; Nays 7.

Afirmative—Messrs. Adams, Albright, Battle, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Eppes, Fleming, Gilmer, Graham, Jones, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren, Whitesides and Worth—37.

Negative—Messrs. Beasley, Flythe, Hawkins, Hyman, King Moore and Olds—7.

On motion of Mr. Gilmer, the bill was ordered to be engrossed and forthwith transmitted to the House of Representatives for concurrence.

A message was received from the House of Representatives informing the Senate that the House had passed S. B. 18, a bill to be entitled an act in relation to the Keeper of the Capitol with the following amendment, to-wit: strike out word Monday and insert word Wednesday. The Senate concurred in the amendment.

Mr. Gilmer introduced a bill to be entitled an act concerning elections in this State, which was read and passed first time, and referred to committee on the judiciary.

The following bill, H B. 5, a bill to be entitled an act declaratory of the meaning of the act entitled an act to repeal certain acts passed at the session of 1868 and 1869, making appropriations to Railroad Companies, ratified 8th of March, 1870, and for other purposes, were introduced by message from

the House of Representatives, read and passed first time, and reterred to committee on internal improvements.

Mr. Warren, by request, introduced a bill to be entitled an act to amend the Revised Code, chapter 39, in relation to divorce and alimony, which was referred to committee on the judiciary.

Mr. Merrimon introduced a bill to be entitled an act for the benefit of the Western N. C. R. R. Company, which was read first time, passed and referred to the committee on internal

improvements.

On motion of Mr. Love, the rules were suspended and S. B. 79, a bill to be entitled an act in relation to Salaries and Fees, was taken up on the second reading.

The question recurring upon the adoption of the substitute offered by the select committee on Salaries and Fees, Mr. Love moved to consider the substitute by sections.

The motion prevailed, and thereupon the first section was read.

Mr. Cowles moved to strike out five and insert four.

Mr. Graham moved to strike out in the first section the words, "The salary of the Governor shall be five thousand dollars per annum, until the first day of January, one thousand eight hundred and and seventy-three. He" and insert the words "the Governor." The motion prevailed, and the first section was adopted.

The second section was then read.

Mr. Graham moved to strike out the words "the annual salary of the Treasurer shall be three thousand dollars, until January 1st, 1873, "he" and insert "the Treasurer." The motion prevailed, and the second section was adopted.

The third section was then read.

Mr. Graham moved to strike out the word eight and insert the word nine. The motion did not prevail, and the third section was adopted.

The fourth section was then read.

Mr. Olds moved to strike out the words twelve hundred and fifty and insert words two thousand.

Mr. Graham called for a decision of the question, and the Senate refused to strike out.

Mr. Gilmer moved to amend by adding the following: "and he shall be allowed a clerk, with an annual salary of one thousand dollars.

Mr. Robbins, of Davidson, moved to amend the amendment by striking out one thousand and inserting words seven hundred and fifty. Upon this, Mr. Cowles demanded the yeas and nays, and the Senate did not agree thereto, and the amendment to the amendment was lost.

Mr. McClammy moved to amend by striking out words one thousand and inserting words eight hundred. Upon this, Mr. Cook demanded the yeas and nays. The Senate agreed thereto, and the amendment to the amendment prevailed. Yeas 27; Nays 17.

Affirmative—Messrs. Adams, Albright, Beasley, Brogden, Cook, Council, Cowles, Crowell, Currie, Fleming, Gilmer, Latham, Ledbetter, Linney, Love, Mauney, McClammy, Moore, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Troy, Waddell, Warren, Whitesides and Worth—27.

Negative—Messrs. Battle, Bellamy, Dargan, Eppes. Graham, Hawkins, Hyman, Jones, King, Lehman, McCotter, Merrimon, Norment, Olds, Price, Skinner and Speed—17.

The question then recurring upon the adoption of the amendment of Mr. Graham as amended, the yeas and nays were demanded. The Senate agreed thereto, and the amendment did not prevail. Yeas 12; Nays 33.

Affirmative—Messrs. Gilmer, Graham, Hyman, Jones, Lehman, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy and Worth—12.

Negative—Messrs. Adams, Albright, Battle, Beasley, Bellamy, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Eppes, Fleming, Flythe, Hawkins, King, Latham, Ledbetter, Linney Love, Mauney, McClammy, McCotter, Merri-

mon, Moore, Norment, Olds, Price, Speed, Waddell, Warren and Whitesides—33.

The fourth section was then adopted.

The fifth section was then read.

Mr. Cowles moved to strike out the word dollars, and insert the word cents. The amendment prevailed.

Mr. Olds moved to amend by adding the following, "and all laws and parts of laws requiring duty or duties from him, be and the same are hereby repealed, and his bond given for the discharge of such duty is hereby cancelled and made void, provided, nothing herein contained shall apply to any thing he may have done to make him and his sureties liable to the law previous to this time.

Mr. Morehead called the previous question. The Senate sustained the call.

The question recurring upon the amendment of Mr. Olds, Mr. Brogden demanded the yeas and nays. The Senate agreed thereto, and the amendment did not prevail. Yeas 13; Nays 24.

Affirmative—Messrs. Brogden, Cowles, Currie, Gilmer, Graham, Hyman, Jones, Ledbetter, Moore, Murphy, Norment, Olds and Price—13.

Negative—Messrs. Adams, Albright, Cook, Council, Crowell, Dargan, Eppes, Fleming, Latham, Linney, Love, Mauney, McClanmy, Merrimon, Morehead, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren Whitesides and Worth—24.

The question recurring on the adoption of the fifth section, Mr. Robbins, of Rowan, demanded the yeas and nays. The Senate agreed thereto, and the fifth section was adopted. Yeas 23; Nays 15.

Affirmative—Messrs. Cook, Conncil, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Jones, Latham, Linney, Love, Manney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Skinner, Troy, Waddell and Worth—23.

Negative-Messrs. Adams, Albright, Battle, Brogden, Eppes,

Graham, Hyman, Ledbetter, Moore, Olds, Price, Robbins of Rowan, Speed, Warren and Whitesides—15.

On motion of Price, the further consideration of the bill was postponed, and the bill made the special order for to-morrow morning at half-past ten o'clock.

On motion of Mr. Graham, a message was sent to the House of Representatives informing that body that the Senate desired to proceed to a joint ballot for a Keeper of the Capitol.

Mr. Dargan moved that the Senate do now adjourn.

On this motion the yeas and nays were demanded. The Senate agreed thereto, and the motion did not prevail. Yeas 8; Nays 25.

Affirmative—Messrs. Battle, Bellamy, Dargan, Fleming, Graham, Ledbetter, McCotter and Skinner—8.

Negative—Messrs. Brogden, Cook, Cowles, Crowell, Currie, Eppes, Gilmer, Hyman, Jones, Latham, Love, Mauney, McClanmy, Merrimon, Morehead, Murphy, Norment, Price, Robbins of Davidson, Robbins of Rowan, Troy, Waddell, Warren, Whitesides and Worth—25.

S. R. 10, resolution of M. A. Bledsoe, was taken up and read, and, on motion of Mr. Graham, made special order for 12 o'clock Friday.

Mr. Robbins, of Davidson, from Committee on Enrolled Bills, reported as correctly enrolled the following:

An act in relation to the Keeper of the Capitol.

Senate resolution concerning the election in the 26th Senatorial District, which were ratified and transmitted to the Secretary of State.

On motion of Mr. Graham the Senate adjourned.

#### TWENTY SECOND DAY.

SENATE CHAMBER, December 15th, 1870.

The Senate met pursuant to adjournment.

Prayer by the Rev. Henry Eppes.

Journal of yesterday was read.

Mr. Lehman, from the Committee on Finance, reported H. 37, S. B. 158, a bill to be entitled an act to prescribe the ne for the sheriffs to settle for State and county taxes, with a commendation that it do not pass.

Mr. Robbins, of Rowan, from the Committee on Internal approvements, S. B. 175, a bill for the benefit of the Western orth Carolina Railroad Company, with a recommendation

it it do pass.

Mr. Robbins, of Rowan, from same committee, reported H. 8, S. B. 177, a bill to be entitled an act declaratory of the raning of the act entitled an act to repeal certain acts passed the session of 1868–'9, making appropriations to railroad upanies, ratified 8th of March, 1870, and for other purposes, I recommend its passage, with accompanying amendment. Mr. Warren, from the Committee on the Judiciary, reported B. 151, a bill to be entitled an act to punish officers and ents of railroad companies and other persons, for embezzlent and other offences, with a recommendation that it do s.

Mr. Warren, from same committee, reported H. B. 23, S. 163, a bill to be entitled an act in regard to town lots in town of Sparta, and asked to be discharged from the ther consideration thereof. The report was concurred in.

Mr. Love, from Committee on Propositions and Grievances, orted the following bills, to wit:

3. B. 78, a bill to be entitled an act to authorize the comssioners of Onslow to adjust the tax lists now in the hands the sheriff.

- S. B. 124, a bill to be entitled an act to empower coun commissioners to extend the time for settlement of coun taxes.
- S. B. 148, a bill to be entitled an act to repeal an act authorizing the commissioners of Jones county to levy a special trand also an act to allow the county commissioners of Jorconnty to levy a special tax.
- S. B. 155, a bill to be entitled an act to amend the charter the town of High Point.
- S. B. 170, a bill to be entitled an act to prevent the sale spiritness liquors within two miles or less of Antioch Bapt Church, in the county of Robeson, and severally recommend their passage.

Mr. Love, from same committee, reported S. B. 15, a bill be entitled an act for the appointment of inspector a weigher of flour and weigher of cottoni n the city of Raleig with the recommendation that it do not pass.

Mr. Love, from same committee reported H. B. 32, S. 157, a bill to be entitled an act to repeal an act entitled act in relation to taking fish from the North-east Branch the Cape Fear river and for other purposes, and recommend its passage with the accompanying amendment.

Mr. Latham, from the committee on Claims, reported B. 18, S. B. 117, a bill to be entitled an act to allow a terers of vacant lands further time to obtain grants from t State, with the recommendation that it do pass.

Mr. Currie, from the Committee on Engrossed Bills, report back as correctly engrossed, S. B. 171, a bill to be entitled act to repeal an act in relation to mileage and *per diem*, ratif the 26th day of November, 1869, which was sent to the Hot of Representatives for concurrence.

Mr. Jones moved to take from the calendar S. B. 117, a lead to be entitled an act declaratory of the meaning of the entitled an act to repeal certain acts passed at the session 1868 and 1869, making appropriations to R. R. Compani

tified 8th of March, 1870, and for other purposes, and to fer it to the committee on the judiciary.

The hour of half-past ten A. M., having arrived, the special der for that hour, to-wit: S. B. 79, a bill to be entitled an et in relation to Salaries and Fees, was taken up.

On motion of Mr. Dargan, the further consideration thereof as postponed until after the matter pending before the Senate as disposed of.

The question recurring upon the motion of Mr. Jones, the otion did not prevail.

A message was sent to the House of Representatives informg that body that the Senate had passed S. B. 174, a bill to entitled an act in relation to an election to fill the vacancy the 26th Senatorial District, and asking the concurrence of e House therein.

The consideration of the special order was then resumed, and e sixth section of the substitute offered by the select comittee on Salaries and Fees for S. B. 79, a bill to be entitled act in relation to salaries and fees was read.

Mr. Olds moved to amend by striking out fifty and inserting to thousand.

Mr. Troy moved to strike out fifty and insert fifteen hundred.
Mr. Love moved to postpone the further consideration of
e bill and make it the special order for 12 o'clock to-morrow.
A committee from the House of Representatives to wait
on the Senate having been duly announced, and invited to
ter the chamber, came forward and addressed the Senate as
lows, through their chairman, Mr. Welch:

# Mr. President and Senators:

We would display the most callous indifference—the most narkable and unnatural absence of sensibility if, in appear; at the bar of the Senate of North Carolina, in obedience the commands of the representatives of the people—urged as I am with the performance of so solemn a duty—t of the impeachment of the Governor of a great common-

wealth—were we not oppressed with the awful responsibil of the situation; but sustained by a consciousness of rig and calling to the aid of my inexperience the experience one of England's purest patriots and most distinguish statesman, we proceed with more confidence than we wootherwise have.

Permit us, Mr. President and Senators, to adopt almost very language used by him under circumstances somewlesimilar, and to ask: "What is it we want here to a great of national justice?" "Do we want a cause?" "You hat the cause of an oppressed people." "Do you want a crinal?" "Where was there so much iniquity ever leto the charge of any one?" Senators, "is it a prosecution ywant?" You have before you the representatives of a people of North Carolina! "Do you want a tribuna Senators, "no example of antiquity, nothing in the mod world, nothing in the range of human imagination can sup us with a tribunal superior to this." Therefore it is that, dered by the representatives of the commonwealth, we imperwilliam W. Holden, Governor of the State of North Caroli "of high crimes and misdemeanors in office."

We impeach him in the name of the Representative North Carolina, "whose national character he has dish ored."

"We impeach him in the name of all the people of No Carolina, whose laws, rights and liberties he has subverted "We impeach him in the name and by virtue of those e

nal laws of justice which he has violated."

We impeach him in the name of human nature itself, when has so cruelly outraged, injured and oppressed; and in name of the Representatives of the people do demand the Senate organize a high court of impeachment, and torder that William W. Holden appear at its bar to answer particular charges which the House of Representatives will due time exhibit, and that the Senate do make such other a further orders in the premises as may seem to them best

culated to bring this trial to a just and speedy termination; and in conclusion the House of Representatives, through us, most heartily prays that God, the God of Eternal Justice may protect the right.

On motion of Mr. Warren, the President, in behalf of the Senate announced to the gentlemen of the Committee from the House of Representatives that the Senate would receive their message, duly consider the same and take proper action thereon.

Thereupon the Committee returned and the consideration of the special order was resumed.

Mr. Love called the previous question.

The Senate sustained the call.

Mr. Graham called for a division of the question, and the question recurring first upon the motion to strike out, the yeas and nays were demanded.

The Senate agreed thereto, and the motion prevailed. Yeas 32; Nays 12.

Affirmative — Messrs. Adams, Albright, Beasley, Bellamy, Brogden, Cook, Currie, Eppes, Flythe, Gilmer, Graham, Hawkins, Hyman, King, Latham, Ledbetter, Lehman, Linney, Mauney McClammy, McCotter, Moore, Morehead, Norment, Olds, Price, Robbins of Rowan, Skinner, Speed, Troy, Warren and Whitesides—32.

Negative—Messrg. Battle, Council, Cowles, Crowell, Dargan, Fleming, Jones, Love, Murphy, Robbins of Davidson, Waddell and Worth—12.

The question next recurring on the amendment of Mr. Troy, the yeas and nays were demanded. The Senate agreed thereto, and the amendment with amendment prevailed. Yeas 24: Nays 21.

Affirmative—Messrs. Adams, Albright, Battle, Beasley, Brogden, Crowell, Currie, Fleming, Flythe, Gilmer, Graham, Hawkins, King, Ledbetter, Lehman, Linney, Mauney, McCotter, Moore, Norment, Olds, Skinner, Speed and Troy—24.

Negative—Messrs. Bellamy, Cook, Council, Cowles, Dargan, Eppes, Hyman, Jones, Latham, Love, McClammy, Merrimon, Morehead, Murphy, Price, Robbins of Davidson, Robbins of Rowan, Waddell, Warren, Whitesides and Worth—21.

The question then recurring upon the amendment of Mr. Olds as amended, the yeas and nays were demanded. The Senate agreed thereto, and the amendment prevailed. Yeas 26: Nays 29.

Affirmative—Messrs. Adams, Albright, Beasley, Brogden, Curric, Eppes, Flythe, Gilmer, Graham, Hawkins, Hyman, King, Ledbetter, Lehman, Linney, Love, Mauney, McCotter, Moore, Norment, Olds, Price, Robbins of Rowan, Skinner, Speed and Troy—26.

Negative—Messrs. Battle, Bellamy, Cook, Council, Cowles, Crowell, Dargan, Fleming, Jones, Latham, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Waddell,

Warren, Whitesides and Worth-19.

The section as amended was then adopted.

Mr. Love moved to reconsider the vote just taken, and to postpone its further consideration, and make it the special order for to-morrow at one o'clock. The motion prevailed.

Mr. Graham moved that the further consideration of the special order be postponed until to-morrow at one o'clock. The

motion prevailed.

Mr. Robbins, of Davidson, moved that when the Senate adjourns, it will adjourn until half-past seven o'clock this evening. The motion did not prevail.

The hour for its consideration having arrived, the special order for eleven o'clock, S. B. 183, a bill to be entitled an act concerning a Convention of the people, was taken up and read the second time.

Mr. Warren moved that the bill be considered by sections. The amendment prevailed, and the first section was read.

Mr. Robbins, of Rowan, moved to strike out 16th of February, and insert 2d Thursday in March.

Mr. Moore moved to insert 16th of March.

Mr. Jones called for a division of the question, and the question recurring upon the motion to strike out, the Senate refused to strike out.

Mr. Hyman moved to add the following to the section:

Provided, That no person ineligible under the 14th amendment to the Constitution of the United States shall be entitled to a seat in said Convention.

Upon this question the yeas and nays were demanded. The Senate agreed thereto, and the amendment did not prevail. Yeas 9; Nays 34.

Affirmative—Messrs. Beasley, Bellamy, Brogden, Eppes, Flythe, Hyman, Moore, Olds and Price—9.

Negative—Messrs. Adams, Albright, Battle, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Graham, Jones, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren, Whitesides and Worth—34.

The second section was then read.

Mr. Olds moved to amend by striking out Staturday and inserting Monday. The motion did not prevail.

Mr. Latham moved to amend by inserting after the word "election" the following: "Provided the counties of Carteret and Hyde shall be allowed until Tnesday after the election to make their returns." The amendment prevailed.

Mr. Love moved to amend by striking out the words "to and," and inserting the following: "Immediately after the closing of the polls to count the ballots in the presence of such electors may desire to be present and." The amendment prevailed.

The third section was then read.

Mr. Robbins, of Davidson, moved to fill the first blank by userting 10th of March. The motion prevailed.

Mr. Robbins, of Davidson, moved to fill second blank by aserting first Monday in April.

Mr. Troy moved to insert third Thursday in March. The question recurring first upon the motion of Mr. Robbins, the motion prevailed.

Mr. Graham moved to strike out all after the word fact.

The motion prevailed.

The 4th section was then read.

On motion of Mr. Whitesides, the words "with open doors in the presence of ten electors assembled," were inserted after the word held, and on motion of Mr. Robbins, of Rowan, the words "and the result proclaimed," were inserted after the word "compared."

Section fifth was then read.

Mr. Cowles offered as a substitute therefor the following:

It shall be unlawful for any person to vote in any other than the township in which he resides, and it shall be lawful for any citizen of the State to challenge the legality of voters in the presence of the judges or inspectors of election at the ballot box on the day of election, said judges or inspectors shall be judges of the same.

Mr. Warren moved to amend the section by striking out township and inserting "election precinct." The amendment

prevailed.

Mr. Troy moved that when the Senate adjourn, it will ad-

journ until a quarter past seven this evening.

Upon this Mr. Love demanded the yeas and nays. The Senate agreed thereto and the motion did not prevail. Yeas 33; Nays 11.

Affirmative—Messrs. Adams, Albright, Battle, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Flythe, Gilmer, Graham, Hyman, Jones, King, Ledbetter, Linney, Love, Mauney, McClammy, Merrimon, Moore, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Troy, Waddell, Warren, Whitesides and Worth—33.

Negative—Messrs. Beasley, Bellamy, Eppes, Fleming, Latham, Lehman, McCotter, Olds, Price, Skinner and Speed—11.

Mr. Moore moved that the Senate do now adjourn. The motion did not prevail.

Mr. Robbins, of Davidson, from Committee on Enrolled Bills, reported as correctly enrolled an act to extend the time for collecting and paying over taxes in Alamance and Caswell.

An act to appoint two commissioners to take depositions in the matter of the contested election for Wayne county. Which were duly ratified and transmitted to the Secretary of State.

Mr. Graham from the Judiciary Committee reported S. B. 90, a bill to be entitled an act to amend the charter of the city of Raleigh, ratified February 3rd, 1857, and January 28th 1863, with amendments.

Mr. Warren, introduced a resolution to raise a select committee to prepare and report rules for the trial of an impeachment, which was read and adopted.

Mr. Norment, from Select Committee on *Per Diem* and Mileage, reported H. B. 140, S. B. 155, a bill to be entitled an act to fix the *per diem* and mileage of members and officers of the general assembly of 1870–'71, with a recommendation that it do pass.

Mr. Cowles moved that the Senate do now adjourn. Upon this Mr. Murphy called the yeas and nays. The Senate agreed thereto and the motion did not prevail. Yeas 11; Nays 32.

Affirmative—Messrs. Cook, Cowles, Currie, Dargan, Latham, Lehman, Linney, Morehead, Skinner, Speed and Warren—11.

Negative—Messrs. Adams, Albright, Battle, Beasley, Bellamy, Brogden, Council, Eppes, Fleming, Flythe, Gilmer, Graham, Hyman, Jones, King, Ledbetter, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Murphy, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Troy, Waddell, Whitesides and Worth—32.

Mr. Troy moved to make the further consideration of the bill the special order for a quarter past seven o'clock this evening. The motion prevailed.

Mr. Robbins, of Rowan, moved that the Senate do adjourn. Upon this Mr. Moore demanded the yeas and nays. The Sensenters

ate agreed thereto, and the motion did not prevail. Yeas 18; Nays 22.

Affirmative—Messrs. Adams, Battle, Cook, Council, Cowles, Crowell, Currie, Fleming, Ledbetter, Lehman, Mauney, Mc-Clammy, Morehead, Murphy, Norment, Robbins of Davidson, Skinner and Waddell—18.

Negative—Messrs. Albright, Beasley, Bellamy, Brogden, Dargan, Eppes, Flythe, Gilmer, Graham, Hyman, King, Latham, Linney, McCotter, Merrimon, Moore, Olds, Robbins of Rowan, Troy, Warren, Whitesides and Worth—22.

Mr. Gilmer moved to suspend the rules to take up a bill. The Senate refused to suspend.

On motion of Mr. Robbins, of Rowan, the Senate adjourned until a quarter past seven.

# SENATE CHAMBER, 74 P. M., December 15th, 1870.

The Senate met pursuant to adjournment.

The special order, S. B. 133, a bill to be entitled an act concerning a convention of the people was taken up.

Mr. Robbins, of Rowan, moved a substitute for the fifth section.

Mr. McClammy called the previous question.

Upon this Mr. Hyman demanded the yeas and nays. The Senate agreed thereto, and the previous question was ordered. Yeas 32; Nays 12.

Affirmative—Messrs. Adams, Albright, Battle, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Graham, Jones, Latham, Ledbetter, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren, Whitesides and Worth—32.

Negative---Messrs. Beasley, Bellamy, Brogden, Eppes,

Flythe, Hyman, King, Lehman, McCotter, Moore, Olds and Price—12.

The question first recurring upon the adoption of the substitute offered by Mr. Robbins, Mr. Moore demanded the yeas and nays. The Senate agreed thereto, and the substitute was adopted. Yeas 29; Nays 12.

Affirmative.—Messrs. Adams, Albright, Battle, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Graham, Jones, Latham, Ledbetter, Linney, Love, Mauney, McClammy, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell, Warren, Whitesides and Worth—29.

Negative.—Messrs. Beasley, Bellamy, Brogden, Eppes, Flythe, Hyman, King, Lehman, McCotter, Merrimon, Moore and Olds—12.

The question then recurring upon the adoption of the 5th section as amended,

Mr. Moore demanded the yeas and nays. The Senate agreed thereto, and it was adopted. Yeas 30; Nays 11.

Affirmative—Messrs. Adams, Battle, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Graham, Jones, Latham, Ledbetter, Linney, Love, Mauney, McClammy, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren, Whitesides and Worth—30.

Negative—Messrs. Beasley, Bellamy, Brogden, Eppes, Flythe, Hyman, Lehman, McCotter, Merrimon, Moore and Olds—11.

The 6th section was then read.

Mr. Moore moved to strike out words "resignation or removal from the State, or by refusal to serve." The amendment prevailed, and the section was adopted as amended.

The seventh section was then read.

Mr. Latham moved to insert the word "one" after "twenty," and add at the end of the section, "and the county of Dare,

shall be entitled to one delegate. The amendment prevailed, and the section was adopted as amended.

The eighth section was read.

Mr. Dargan moved to strike out the section.

Mr. Olds moved to amend so as to make the mileage ten cents per mile, and the *per diem* three dollars.

Mr. Love called the previous question; upon this,

Mr. Hyman demanded the yeas and nays. The Senate agreed thereto, and the call for the previous question was sustained. Yeas 23; Nays 18.

Affirmative—Messrs. Adams, Albright, Battle, Council, Crowell, Dargan, Gilmer, Graham, Jones, Ledbetter, Linney, Love, Mauney, McClammy, Morehead, Murphy, Norment, Price, Skinner, Speed, Troy, Waddell and Worth—23.

Negative—Messrs. Beasley, Bellamy, Brogden, Cook, Cowles, Eppes, Fleming, Flythe, Hyman, Latham, Lehman, McCotter, Merrimon, Moore, Olds, Robbins of Davidson, Robbins of Rowan and Whitesides—18.

The question then recurring upon the motion of Mr. Olds, the yeas and nays were demanded. The Senate agreed thereto, and the motion did not prevail. Yeas 12; Nays 30.

Affirmative--Messrs. Brogden, Cook, Cowles, Eppes, Fleming, King, Lehman, Linney, McCotter, Olds, Robbins of Davidson and Whitesides—12.

Negative—Messrs. Adams, Albright, Battle, Beasley, Bellamy. Council, Crowell, Currie, Dargan, Flythe, Gilmer, Graham, Hyman, Jones, Latham, Ledbelter, Love, Mauney, McClammy, Merrimon, Moore, Morehead, Murphy, Norment, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren and Worth—30.

The question then recurring upon the motion of Mr. Dargan, to strike out the section, the yeas and nays were demanded. The Senate agreed thereto, and the motion did not prevail. Yeas 18; Nays 25.

Affirmative—Messrs. Adams, Battle, Currie, Dargan, Graham, Hyman, Jones, Love, McClammy, Merrimon, Morehead,

Murphy, Norment, Price, Skinner, Speed, Waddell and Worth -18.

Negative—Messrs. Albright, Beasley, Bellamy, Brogden, Cook, Cowles, Crowell, Eppes, Fleming, Flythe, Gilmer, King, Latham, Ledbetter, Lehman, Linney, Mauney, McCotter, Moore, Olds, Robbins of Davidson, Robbins of Rowan, Troy, Warren and Whitesides—25.

The ninth section was then read.

Mr. Robbins, of Davidson, moved to strike out word "prescribed" and insert "shall be the judge of the;" strike out "for" in line two and insert "and election;" strike out all after word "members."

Mr. Hyman demanded the yeas and pays. The Senate agreed thereto, and the amendments prevailed. Yeas 35; Nays 8.

Affirmative—Messrs. Adams, Albright, Battle, Beasley, Bellamy, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Flythe, Gilmer, Graham, Jones, Latham, Ledbetter, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren, Whitesides and Worth—35.

Negative—Messrs. Brogden, Eppes, Hyman, King, Lehman, McCotter, Moore and Olds—8.

Mr. Jones moved to insert after word "members" the words "who shall be electors of the State of North Carolina." The motion prevailed, and the section as amended was adopted.

The tenth section was then read.

Mr. Lehman moved to add on the section the following:

Nor shall said convention have any power to modify or repeal those clauses in the present constitution which provide there is no right to secede, and that every citizen of the State owes paramount allegiance to the constitution and government of the United States—Article I, Sections 4 and 5.

Upon this the yeas and nays were demanded. The Senate

agreed thereto, and the amendment prevailed. Yeas 42; Nays 2.

Affirmative.—Messrs. Adams, Albright, Beasley, Bellamy, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Eppes, Fleming, Flythe, Gilmer, Graham, Hyman, Jones, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren, Whitesides and Worth—42.

Negative.—Messrs. Battle and Murphy—2.

Mr. Moore moved to strike out all after word "State" in line 3.

Mr. Robbins, of Rowan, moved an amendment by way of perfecting the section, by adding thereto as follows: Nor shall said Convention change the present ratio between the poll and property tax, or provide for raising the poll tax on one poll above two dollars for all purposes." On this the yeas and nays were demanded. The Senate agreed thereto, and the amendment prevailed. Yeas 30; Nays 13.

Affirmative.—Messrs. Adams, Albright, Battle, Beasley, Bellamy, Brogden, Cook, Council, Cowles, Crowell, Currie, Eppes, Fleming, Gilmer, Hawkins, Hyman, Jones, King, Latham, Lehman, Linney, Mauney, McCotter, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Troy, Whitesides and Worth—30.

Negative.—Messrs. Dargan, Graham, Ledbetter, Love, Mc-Clammy, Merrimon, Morehead, Murphy, Price, Skinner, Speed, Waddell and Warren—13.

Mr. Warren moved to amend the section by inserting after the word "State" the following: "And except ordinances in relation to the public debt." The amendment prevailed.

Mr. Robbins, of Rowan, moved to strike out the words whipping, branding or cropping, and insert corporal punishment. The motion prevailed.

Mr. Love moved to amend by inserting after word "proper" the following, "nor shall said convention have power to pass any

ordinance to abolish or in any way interfere with the meetings or adjournment of this general assembly."

Mr. Price moved to postpone the further consideration of the bill and to make it the special order for to-morrow,  $10\frac{1}{2}$  o'clock, A. M.

The previous question was called and sustained by the Senate
The question first recurring upon Mr. Love's amendment, it
was adopted.

The question next recurring upon the motion of Mr. Moore to strike out all after word "State" line 3. The yeas and nays were demanded. The Senate agreed thereto and the motion did not prevail. Yeas 0; Nays 39.

Negative—Messrs. Adams, Battle, Bellamy, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Eppes, Fleming, Gilmer, Graham, Hawkins, Hyman, Jones, Latham, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, More head, Murphy, Norment, Olds, Price, Robbins of Davidson, Robbins, Rowan, Skinner, Troy, Waddell, Warren, Whitesides and Worth—39.

Affirmative-None.

The section as amended was then adopted.

On motion of Mr. Robbins, of Rowan, the bill was made the special order for to-morrow morning 10½ o'clock.

On motion of Mr. Jones, leave of absence was granted to Mr. Latham, from Saturday until Wednesday next.

On motioe of Mr. Robbins, of Rowan, the Senate adjourned.

### TWENTY-THIRD DAY.

Senate Chamber, December 16th, 1870.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Norment.

Journal of yesterday was read.

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Mr. Lehman rose to a question of personal privilege.

The hour of  $10\frac{1}{2}$  o'clock having arrived, the special order for that hour was taken up and its further consideration post-poned until eleven o'clock.

Mr. Robbins, of Davidson, from the Committee on Enrolled Bills, reported as correctly enrolled an act to repeal an act in relation to mileage and *per diem*, ratified the 26th day of November, 1869, which was ratified by the President and transmitted to the Secretary of State.

Mr. Graham from Committee on Finance, reported S. B. 89, a bill to be entitled an act to allow Railroad and other corporations to purchase the stock of the State in such corporations, by returning to the Treasury the bonds with which such stock was obtained and for other purposes, and recommended that it be printed. The report was concurred in.

Mr. Moore, from the Committee on Corporations, reported S. B. 167, a bill to be entitled an act to change the corporation boundaries of the town of Lexington, in Davidson, wish the recommendation that it do pass.

Mr. Gilmer moved to suspend the rules and take up S. B. 180, a bill to be entitled an act concerning elections in this State and put it upon its several readings.

Upon this Mr. Brogden demanded the yeas and nays. The Senate agreed thereto and the rules were suspended. Yeas 32; Nays 11.

Affirmative—Messrs. Albright, Battle, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Graham, Jones, Latham, Ledbetter, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren, Whitesides and Worth—32.

Negative—Messrs. Beasley, Bellamy, Brogden, Eppes, Flythe, Hyman, King, Lehman, McCotter, Moore and Olds—11.

The bill was then read the second time.

Mr. Olds moved to awend by adding following provisio to section two; *Provided*, That all elections hereafter held under

the sanction of this act shall continue for two days in all towns and cities where the population is more than three thousand souls.

Mr. Graham called the previous question.

Upon this Mr. Eppes demanded the yeas and nays. The Senate agreed thereto, and the call for the previous question was sustained. Yeas 29; Nays 12.

Affirmative—Messrs. Albright, Battle, Cook, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Graham, Latham, Ledbetter, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren, Whitesides and Worth—29.

Negative—Messrs. Beasley, Bellamy, Brogden, Eppes, Flythe, Hyman, King, Lehman, McCotter, Moore, Olds and Price—12.

The question then recurring upon the amendment officed by Mr. Olds, the amendment did not prevail. Yeays 14; Nays 26.

Affirmative—Messrs. Beasley, Brogden, Eppes, Flythe, Hyman, King, Ledbetter, Lehman, McCotter, Moore, Olds, Price, Speed and Whitesides—14.

Negative—Messrs. Adams, Battle, Cook, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Graham, Jones, Latham, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Warren and Worth—26.

The question then recurring upon the passage of the bill on its second reading, Mr. Hyman demanded the yeas and nays. The Senate agreed thereto, and the bill passed the second time. Yeas 31; Nays 13.

Affirmative—Messrs. Adams, Albright, Battle, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Graham, Jones, Latham, Ledbetter, Linney, Love, Mauney, McClammy, Morehead, Murphy, Norment, Robbins of Davidson,

Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren, Whitesides and Worth—31.

Negative—Messrs. Beasley, Bellamy, Brogden, Eppes, Flythe, Hyman, King, Lehman, McCotter, Merrimon, Moore, Olds and Price—13.

The hour of eleven a. m., having arrived, Mr. Gilmer moved to postpone the consideration of the special order for that hour until the matter under consideration was disposed of.

Mr. Brogden demanded the yeas and nays. The Senate agreed thereto, and the motion to postpone prevailed. Yeas 32; Nays 11.

Affirmative—Messrs. Adams, Albright, Battle, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Graham, Jones, Latham, Ledbetter, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren and Worth—32.

Negative—Messrs. Beasley, Brogden, Eppes, Flythe, Hyman, King, Lehman, McCotter, Moore, Olds and Whitesides—11.

Mr. Gilmer moved to put the bill before the Senate on its third reading.

Upon this Mr. Moore demanded the yeas and nays. The Senate agreed thereto, and the motion prevailed. Yeas 31, Nays 10.

Affirmative.—Messrs. Adams, Albright, Battle, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Graham, Latham, Ledbetter, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren, Whitesides and Worth—31.

Negative—Messrs. Beasley, Brogden, Eppes, Flythe, Hyman, King, Lehman, McCotter, Moore and Olds—10.

Mr. Love called the previous question. Upon this,

Mr. Moore demanded the yeas and nays. The Senate agreed thereto, and the main question was ordered to be put. Yeas 30; Nays 11.

Affirmative—Messrs. Adams, Albright, Baltle, Cook, Council, Cowles, Crowell, Currie, Dargan, Gilmer, Graham, Jones, Latham, Ledbetter, Linney, Love, Mauney, McClammy, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren, Whitesides and Worth—30.

Negative-Messrs. Beasley, Brogden, Eppes, Flythe, Hyman, King, Lehman, McCotter, Merrimon, Moore and Price—11.

The bill then passed its third reading. Yeas 29; Nays 11. Affirmative—Messrs. Adams, Albright, Battle, Cook, Counil, Cowles, Crowell, Currie, Dargan, Gilmer, Graham, Jones, Latham, Ledbetter, Linney, Love, Mauney, McClammy, Iorehead, Murphy, Norment, Robbins of Davidson, Robbins f Rowan, Skinner, Speed, Troy, Waddell, Whitesides and Vorth—29.

Negative—Messrs. Beasley, Bellamy, Brogden, Eppes, lythe, Hyman, King, McCotter, Merrimon, Moore and lds—-11.

Mr. Graham moved that the bill be forthwith engrossed ad transmitted to the House of Representatives for concurence.

Mr. Moore moved to lay that motion upon the table.

Mr. Graham called the previous question. Upon this,

Mr. Beasley demanded the year and nays. The Senate reed thereto, and the main question was ordered to be put. eas 29; nays 10.

Affirmative—Messrs. Adams, Albright, Battle, Cook, Coun-, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Gram, Jones, Latham, Ledbetter, Linney, Love, Mauney, cClammy, Merrimon, Norment, Robbins of Davidson, Robas of Rowan, Skinner, Speed, Troy, Waddell, Whitesides 1 Worth—29.

Wegative----Messrs. Beasley, Brogden, Eppes, Flythe, King, hman, McCotter, Moore, Olds and Price---10.

The President having decided that the question first recurupon the motion to lay upon the table,

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Mr. Graham appealed from the decision of the Chair to that of the Senate. Upon this,

Mr. Price demanded the yeas and nays. The Senate agreed thereto, and the decision of the Chair was reversed. Yeas 16; Nays 22.

Affirmative—Messrs. Beasley, Brogden, Eppes, Fleming Flythe, Hyman, King, Lehman, McCotter, Moore, Murphy Norment, Olds, Price, Speed and Whitesides—16.

Negative - Messrs. Adams, Battle, Cook, Cowles, Dargan Gilmer, Graham, Jones, Latham, Ledbetter, Linney, Love Mauney, McClammy, Merrimon, Robbins of Davidson, Rob bins of Rowan, Skinner, Troy, Waddell, Warren and Wortl

The question then recurring, under the decision of the Sen ate, upon the motion of Mr. Graham,

The yeas and nays were demanded, the Senate agreed

thereto, and the motion prevailed. Yeas 34; Nays 8.

Affirmative-Messrs. Adams, Albright, Battle, Cook, Coun cil, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Gra ham, Jones, Latham, Ledbetter, Lehman, Linney, Love, Manney McClammy, McCotter, Merrimon, Morehead, Murphy, Nor ment, Robbins of Davidson, Robbins of Rowan, Skinner Speed, Troy, Waddell, Warren, Whitesides and Worth-34.

Negative-Messrs. Beasley, Brogden, Eppes, Hyman, King

Moore, Olds and Price-8.

The consideration of the special order, S. B. 173, a bill t be entitled an act concerning a convention of the people, wa resumed.

The eleventh section was read.

Mr. Love moved to amend by striking out all after wor "that" in line one, to word "shall" in line two, and inserting words "said convention may revise the constitution of the State, embodying in it such alterations and amendments a may be agreed upon, but no such revised constitution."

Mr. Robbins, of Rowan, called the previous question. Upon this, Mr. Moore demanded the yeas and nays. The Sei ate agreed thereto, and the main question was ordered to be put. Yeas 29; Nays 12.

Affirmative—Messrs. Adams, Albright, Battle, Cook, Coungell, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Graham, Latham, Ledbetter, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren and Worth—29.

Negative—Messrs. Beasley, Bellamy, Brogden, Eppes, Flythe, Hyman, King, Lehman, McCotter, Moore, Olds, Price and Whitesides—12.

The question recurring first upon the amendment of Mr. Love, the amendment prevailed. Yeas 29; Nays 10.

Affirmative—Messrs. Adams, Battle, Cook, Council, Cowles, Currie, Dargan, Fleming, Gilmer, Graham, King, Latham, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren, Whitesides and Worth—29.

Negative—Messrs. Beasley, Brogden, Eppes, Flythe, Hyman, Lehman, McCotter, Moore, Olds and Price—10.

The question next recurring upon the adoption of the 11th section, the section was adopted. Yeas 32; Nays 10.

Affirmative—Messrs. Adams, Albright, Battle, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Graham, Jones, Latham, Ledbetter, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren, Whitesides and Worth—32.

Negative—Messrs. Beasley, Brogden, Eppes, Flythe, Hy. man, King, McCotter, Moore, Olds and Price—10.

The twelfth section was then read.

Mr. Moore moved to strike out the section, and called the previous question.

Upon this the yeas and nays were demanded. The Senate

agreed thereto, and the main question was ordered to be put. Yeas 26; Nays 14.

Affirmative—Messrs. Battle, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Hyman, Jones, King, Latham, Ledbetter, Lehman, Linney, Mauney, McClammy, Merrimon, Moore, Morehead, Olds, Skinner, Troy, Warren, Whitesides and Worth—26.

Negative—Mesers. Beasley, Bellamy, Brogden, Eppes, Flythe, Gilmer, Graham, Murphy, Norment, Price, Robbins of Davidson, Robbins of Rowan, Speed and Waddell—14.

The question then recurring upon the motion of Mr. Moore, the Senate refused to strike out. Yeas 2; Nays 41.

Affirmative-Messrs. Lehman and Price-2.

Negative—Messrs. Adams, Albright, Battle, Beasley, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Eppes, Fleming, Flythe, Gilmer, Graham, Hyman, Jones, King, Latham, Ledbetter, Linney, Love, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren, Whitesides and Worth—41.

Mr. Warren moved to amend by inserting after word "I," the words "will faithfully maintain and support the constitution of the United States." The amendment prevailed.

Mr. Latham moved to amend by striking out words "the constitution of the State of North Carolina," and insert instead thereof "of the people." The amendment prevailed.

The twelfth section was then adopted.

The thirteenth section was then read.

Mr. Price moved to amend by adding the following proviso:

Provided, That no person whose name is found on the registration book shall be challenged on the day of election.

Mr. McClammy moved to insert after word commissioners, the words "or sheriff," and after word "dollars" insert "or imprisoned not more than six nor less than two months. The previous question was then called, and the Senate ordered the main question to be now put.

The question recurring first on the amendment offered by Mr. McClammy, the amendment prevailed.

The question next recurring upon the amendment of Mr. Price, the amendment did not prevail.

The thirteenth section was then adopted.

Mr. Warren moved to add another section as follows:

"Section 14. Any person who shall knowingly and fraudulently register or vote, or induce another to do so, contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction, shall be imprisoned not less than six or more than twelve months, and fined not less than one hundred nor more than five hundred dollars; and any register of voters who shall make or cause or suffer to be made any entry with intent to commit a fraud, shall be subject to indictment and liable to the same penalty."

Mr. Warren called the previous question. The Senate ordered the main question to be put, and the proposed section was adopted.

Mr. Robbins, of Rowan, moved to amend 10th section by inserting the following: "Nor shall said Convention propose any amendment or alteration requiring any property or educational qualification for voters or officers."

Mr. Price moved to amend same section by adding following: Provided, nevertheless, that nothing herein contained shall be so construed as to convey the idea that this Legislature have the power to restrict or limit the action of said Convention in connection with the above recited specifications or any other constitutional questions.

Mr. Moore called the previous question. The Senate ordered the main question to be put.

The question recurring upon the amendment of Mr. Price, the amendment did not prevail.

The question then recurring upon the amendment of Mr. Robbins, the amendment prevailed.

Mr. Cowles moved to amend by adding another section, as follows:

"Sec. 15. That the State Printer shall immediately print ten copies of this act for each Senator and member of the House of Representatives, and shall print and transmit by mail 40 copies to the Board of Commissioners for each county, whose duty it shall be to furnish one copy to each registrar in their respective counties, and one copy to the inspectors of election at each precinct.

The section was adopted.

Mr. Graham moved to amend 10th section by inserting between the words "all" and "purposes," the words "ordinary State and county." The amendment prevailed.

The question then recurring upon the passage of the bill on its second reading, Mr. Graham called the previous question.

Upon this Mr. Moore demanded the yeas and nays. The Senate agreed thereto, and the main question was ordered to be put. Yeas 30; Nays 14.

Affirmative—Messrs. Adams, Albright, Battle, Cook, Council, Crowell, Dargan, Fleming, Gilmer, Graham, Jones, Latham, Ledbetter, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Mnrphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren, Whitesides and Worth—30.

Negative—Messrs. Beasley, Bellamy, Brogden, Cowles, Currie, Eppes, Flythe, Hyman, King, Lehman, McCotter, Moore, Olds and Price—14.

The question again recurring upon its passage, the bill passed its second reading.

On Motion of Mr. Graham, the bill was ordered to be engrossed, printed, and made the special order for to-morrow morning at 11 o'clock.

Mr. Troy moved that when the Senate adjourns it will adjourn until 7½ P. M. The motion prevailed.

On motion of Mr. Warren, the Senate proceeded to the election of five members to constitute the Select Committee to prepare and report rules for the trial of an impeachment.

On motion of Mr. Love, the Senate decided to vote viva voce

and by separate ballot for each member.

The Senate, under the superintendence of Messrs. Moore and Robbins, of Rowan, voted as follows:

For Mr Warren.—Messrs. Adams, Albright, Battle, Bellamy, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Graham, Jones, Latham, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whitesides and Worth—30.

FOR MR. LEHMAN—Messrs. Brogden, Eppes, Flythe, Hyman, King, McCotter, Moore, Olds, Price and Warren—10.

Mr. Beasley voted for Mr. Speed; Mr. Lehman voted for Mr. Moore.

The President then declared that Mr. Warren having received a majority of all the votes cast, was duly elected.

The Senate then voted for a second member of the committee as follows:

FOR MR. GRAHAM—Messrs. Adams, Battle, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Jones, Latham, Ledbetter, Love, Mauney, McClammy, Merrimon, Morehead, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Warren and Worth—26.

FOR MR. LEHMAN—Messrs. Brogden, Flythe, Hyman, King, McCotter, Moore, Olds, Price and Whitesides—9.

FOR MR. BROGDEN—Messrs. Bellamy, Eppes, Graham and Lehman.

FOR MR. JONES—Messrs. Albright, Gilmer, Linney and Speed—4.

Mr. Beasley voted for Mr. Norment; Mr. Murphy voted for Mr. Dargan.

The President declared that Mr. Graham having received a majority of all the votes cast, was duly elected.

The Senate then proceeded to vote for a third member of

the committee, as follows:

FOR MR. LEHMAN-Messrs. Albright, Battle, Bellamy, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Eppes, Fleming, Flythe, Gilmer, Graham, Hyman, Jones, King, Latham, Ledbetter, Linney, Love, Mauney, McClammy, Mc-Cotter, Merrimon, Moore, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren, Whitesides and Worth-41.

Mr. Beasley voted for Mr. Robbins; Mr. Lehman voted for

Mr. Jones.

The President declared that Mr. Lehman having received a majority of all the votes cast, was duly elected.

The Senate then proceeded to vote for a fourth member of the committee, as follows:

FOR. MR. DARGAN.—Messrs. Adams, Albright, Battle, Bellamy, Brogden, Cook, Council, Cowles, Crowell, Currie, Fleming, Flythe, Graham, Hyman, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Murphy, Norment, Olds, Robbins, of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren, Whitesides and Worth-37.

Mr. Beasley voted for Mr. Currie; Mr. Eppes voted for Mr. Gilmer; Mr. Dargan voted for Mr. Jones; Mr. Gilmer voted for Mr. Robbins; Mr. Price voted for Mr. Moore.

The President then declared that Mr. Dargan, having received a majority of all the votes cast, was duly elected.

The Senate then proceeded to vote for a fifth member of the committee, as follows:

FOR MR. MERRIMON-Messrs. Adams, Albright, Crowell, Currie, Dargan, Fleming, Gilmer, Graham, Ledbetter, Linney, Mauney, McClammy, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Worth-19.

FOR MR BROGDEN-Messrs. Battle, Beasley, Cook, Eppes,

Flythe, Hyman, Jones, King, Lehman, Love, McCotter, Moore, Norment, Olds, Price and Whitesides—16.

FOR MR. McCotter-Messrs. Albright, Brogden, Council, Cowles, Latham, Merrimon, Speed and Warren-8.

No person having received a majority of all the votes cast, the Senate voted again, as follows:

FOR MR. MERRIMON—Messrs. Adams, Albright, Battle, Council, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Graham, Jones, Latham, Ledbetter, Linney, Mauney, McClammy, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren, Whitesides and Worth—27.

FOR MR. BROGDEN—Messrs. Beasley, Bellamy, Cook, Eppes, Flythe, Hyman, King, Lehman, Love, McCotter, Merrimon, Moore, Olds and Price—14.

Mr. Brogden voted for Mr. McCotter.

The President then declared that Mr. Merrimon having received a majority of all the votes cast, was duly elected.

On motion of Mr. McClammy, the rules were suspended, and S. B. 54, a bill to be entitled an act concerning inspectors in the city of Wilmington, N. C., was put upon its third reading.

Mr. McClammy moved to amend by inserting after word city, in section 4, the words "in cases where inspection is demanded by vender or vendee. The amendment prevailed.

The bill then passed its third reading. Yeas 36; Nays 2.

Affirmative—Messrs. Adams, Albright, Battle, Beasley, Bellamy, Brogden, Cook, Council, Cowles, Crowell, Dargan, Fleming, Flythe, Graham, Jones, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren, Whitesides and Worth—36.

Negative—Messrs Eppes and Hyman—2.

On leave Mr. Jones, from the Committee on Finance, reported S. B. 88, with the recommendation that the bill be

printed, and that it do pass. The bill was ordered to be printed.

On motion of Mr. Battle, leave of absence for one week after Tuesday next was granted to Messrs. Beasley and Flythe, and to Mr. Hawkins from that date until Monday morning.

On motion of Mr. Graham, the rules were suspended, and H. B. 140, S. B. 154, a bill to be entitled an act to fix the *per diem* and mileage of members and officers of the General Assembly of 1870-'71, was then put upon its several readings.

The bill was read the second time.

Mr. Albright moved to strike out in sections 2 and 6 "five" and insert word "four," and section one, strike out twenty and insert fifteen.

Mr. Fleming moved to insert three and ten instead thereof respectively.

Mr. Cook called the previous question. The Senate sustained the call.

Mr. Graham demanded a devision of the question, and the question the precurring first upon the motion to strike out, Mr. Robbins, of Rowan, demanded the yeas and nays. The Senate agreed thereto and the motion to strike out prevailed. Yeas 34; Nays 7.

Affirmative—Messrs. Adams, Albright, Battle, Beasley, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Flythe, Gilmer, Graham, Jones, Latham, Ledbetter, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Price, Robbins of Davidson, Robbins of Rowan, Troy, Waddell, Warren, Whitesides and Worth—34.

Negative—Messrs. Bellamy, Eppes, Hyman, Lehman, Norment, Skinner and Speed—7.

The question next recurring upon Mr. Albright's motion to insert four in place of five, and fifteen in place of twenty. The motion prevailed, and the bill passed the second time.

The bill was then read the third time.

Mr. Norment moved to amend by inserting after word "shall" the words fix his own per diem, provided he does not

draw more than six dollars per day and twenty cents per mile travelled." The amendment did not prevail.

The bill then passed the third time. Yeas 25; Nays 11.

Affirmative—Messrs. Adams, Albright, Cook, Council, Crowell, Currie, Dargan, Gilmer, Graham, Jones, Latham, Ledbetter, Love, Mauney, McClammy, McCotter, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Speed, Troy, Waddell, Warren and Worth—25.

Negative—Messrs. Battle, Bellamy, Brogden, Cowles, Eppes, Flemming, Hyman, Linney, Merrimon, Skinner and White-sides—11.

Mr. Graham moved that the bill be forthwith engrossed and transmitted to the House for concurrence. The motion prevailed.

A message was sent to the House asking concurrence in the passage of S. B. 180, a bill to be entitled an act concerning elections in the State.

On motion of Mr. Robbins, of Rowan, the Senate adjourned.

### SENATE CHAMBER, December 17th, 1870.

The Senate met pursuant to adjournment at 74 P. M.

On motion of Mr. McClammy, the rules were suspended, and S. B. 66 was taken up and put upon its several readings.

The bill was read second time, and the question recurring upon the amendment offered by the committee, the amendment prevailed.

Mr. Troy offered an amendment which prevailed, and the bill passed its second reading.

The bill was then read the third time and passed. Yeas 25; Nays 8.

Affirmative—Messrs. Battle, Cook, Council, Crowell, Currie, Dargan, Fleming, Gilmer, Graham, Jones, Latham, Ledbetter, Love, Mauney McClammy, McCotter, Merrimon, Murphy

Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Warren, Whitesides and Worth—25.

Negative—Messrs. Beasley, Bellamy, Brogden, Eppes, Flythe, Hyman, King and Moore---8.

The bill was ordered to be forthwith engressed and sent to the House for concurrence.

On motion of Mr. McClammy, the rules were suspended, and S. B. 166 was taken up and put upon its several readings. The bill was read the second time.

Mr. McClammy offered a substitute for the third section, which was adopted.

Mr. McClammy moved to further amend as follows:

The bill then passed its second reading. The bill was then read the third time and passed. Yeas 27; Nays 8.

Affirmative—Messrs. Battle, Council, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Graham, Jones, Latham, Ledbetter, Linney, Love, Mauney, McClammy, McCotter, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Warren, Whitesides and Worth—27.

Negative—Messrs. Beasley, Bellamy, Brogden, Eppes, Hyman, King, Lehman and Moore—8.

Mr. Bellamy moved to reconsider the vote just taken.

Mr. McClammy moved to lay that motion on the table, which latter motion prevailed.

Mr. Graham moved to suspend the rules to take up the bill relating to the charter of the city of Raleigh, and the bill for the better regulation of the town of Elizabeth City.

Mr. Love moved to postpone indefinitely.

Mr. Graham moved to lay the special order on the table.

Upon this Mr. Love demanded the yeas and nays. The Senate agreed thereto and the motion prevailed. Yeas 20; Nays 18.

Affirmative—Messrs. Adams, Battle, Cook, Council, Cowles, Currie, Dargan, Gilmer, Graham, Jones, Latham, Lebetter, Mauney, McClammy, Murphy, Norment, Skinner, Speed, Troy, and Worth—20.

Negative—Messrs. Beasley, Bellamy, Brogden, Eppes, Fleming, Flythe, Hyman, King, Lehman, Linney, Love, McCotter, Merrimon, Moore, Morehead, Robbins of Davidson, Robbins of Rowan and Whitesides—18.

Mr. Speed moved that the Senate do now adjourn.

Upon this Mr. Cook demanded the yeas and nays. The Senate agreed thereto, and the motion did not prevail. Yeas 9; Nays 24.

Affirmative - Messrs. Beasley, Bellamy, Dargan, Flythe,

Hyman, Latham, McCotter, Skinner and Speed-9.

Negative—Messrs. Adams, Brogden, Cook, Council, Cowles, Crowell, Fleming, Gilmer, Graham, Jones, King, Ledbetter, Lehman, Linney, Mauney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Troy, Whitesides and Worth—24.

Mr. Graham moved to take from the table, S. B. 79, a bill in relation to salaries and fees. The motion prevailed.

Mr. Speed moved that the Senate do now adjourn. The motion did not prevail.

The seventh section of the bill was then read.

Mr. Graham moved to strike out one and insert two. The notion did not prevail.

On motion of Mr. Speed, the Senate adjourned until to morow morning at ten o'clock.

### TWENTY-FOURTH DAY.

SENATE CHAMBER, December 17th, 1870.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Atkinson.

Journal of yesterday was read.

A message was sent to the House of Representatives notifyg that body that the Senate has passed S. B. 66, a bill to be entitled an act to repeal certain acts in relation to the town of Fayetteville, and to prescribe the qualifications of voters in municipal elections in said town.

H. B. 140, S. B. 154, a bill to be entitled an act to fix the *per diem* and mileage of members of the General Assembly of 1870–771, and accompanying amendments.

H. B. 14, S. B. 166, a bill to be entitled an act concerning city of Wilmington, with the accompanying amendments, and asking the concurrence of the House therein.

Mr. Dargan, from the Judiciary Committee, reported S. R. 137, resolution of inquiry as to the legislation necessary to suppress lawlessness and violence in the county of Robeson and asked to be discharged from its further consideration, as no other legislation was necessary. Report concurred in.

Mr. Gilmer, from the Judiciary Committee, reported unfavorably upon the petition of Sarah Mann, and asked to be discharged from the further consideration thereof. Report concurred in.

Mr. Gilmer, from the Judiciary Committee, reported S. B 143, a bill to be entitled an act to amend section sixteen, Code of Civil Procedure, with the recommendation that it do no pass.

Mr. Warren, from the Committee on Judiciary, reported H B. 38, S. B. 159, a bill to be entitled an act to repeal section 7th, chapter 167, public laws of North Carolina 1868-'9.

S. B. 69, a bill to be entitled an act to repeal section sever of an act entitled an act in relation to punishment, and foother purposes.

S. B., 12, a bill to be entitled an act in relation to punishment and recommended that the accompanying substitute ball adopted instead thereof.

Mr. Warren, from same committee, reported S. B. 176, bill to be entitled an act to amend the Revised Code, chapter 39, in regard to divorce and alimony, with the recommendation that it do not pass.

On motion of Mr. Norment, the rules were suspended an

B. 177, a bill to be entitled an act declaratory of the act titled an act to repeal certain acts passed at the session of 368 and 1869, making appropriations to railroad companies, tified 8th of March, 1870, and for other purposes, was taken and put on its several readings. The bill was then read d passed the second and third times. Yeas 34; Nays 4. Affirmative—Messrs. Adams, Albright, Battle, Bellamy, ogden, Cook, Council, Crowell, Carrie, Dargan, Fleming, Imer, Graham, Hyman, Jones, Ledbetter, Linney, Love, nuney, McClammy, Merrimon, Morehead, Murphy, Normt, Price, Robbins of Davidson, Robbins of Rowan, Skinst, Speed, Troy, Waddell, Warren, Whitesides and Worth-34. Negative—Messrs. Flythe, Lehman, McCotter and Olds—4. The special order was then taken up, to-wit: S. B. 173, a concerning a Convention of the people, and read the third

Mr. Cowles moved to amend by adding to the 15th section words "before the day of election." The amendment presented.

Ir. Robbins, of Rowan, moved to amend by inserting after o'd "upon," in section 11, the words "not inconsistent h the provisions of this act." The amendment prevailed.

Ir. Speed moved to amend by inserting the word Dare after word Carteret. The amendment prevailed.

Ir. Lehman moved to strike out in 10th section, the words the State." The motion prevailed.

Ir. Battle moved to strike out in same section, words "in of the rebellion," and insert words "on account of the late war." The amendment did not prevail.

Ir. Price moved to amend section 1, by inserting the foling after word respectively, "provided that the commisers of New Hanover county shall have power to establish tional voting places in the city of Wilmington, when in Ir judgment it may be deemed expedient. The amendt did not prevail.

Love moved to amend by adding to section 10, the fol-

lowing: Nor shall said Convention have any power rescind, change, modify or in any way interfere with the flowing clause in article V, section 5, of the present Constition, which is in these words, to-wit: the General Assemble shall have no power to give or lend the credit of the State in a of any person, association or corporation, except to aid in the completion of such railroads as may be unfinished at the time of the adoption of this Constitution, or in which the State I and direct pecuniary interest, unless the subject be submitted a direct vote of the people of the State, and be approved by majority of those who shall vote thereon.

Upon this Mr. Love demanded the yeas and nays. T Senate agreed thereto, and the amendment did not preva Yeas 27; Nays 13.

Affirmative—Messrs. Beasley, Bellamy, Brogden, Epp Fleming, Flythe, Gilmer, Hyman, King, Lehman, Love, Moand Olds—13.

Negative—Messrs. Adams, Barnett, Battle, Cook, Cowl Crowell, Currie, Dargan, Graham, Jones, Ledbetter, Linn Mauney, McClammy, Merrimon, Murphy, Norment, Pr Robbins of Davidson, Robbins of Rowan, Skinner, Spe Troy, Waddell, Warren, Whitesides and Worth—27.

Mr. Cowles moved to amend by striking out in section the words "for members of the General Assembly," and insing instead thereof the words "of the State." The amendmon prevailed.

A message was received from the House of Representati informing the Senate that the House refused to concur in amendments of the Senate to H. B. 140, S. B. 154, a bill to entitled an act to fix the *per diem* and mileage of members the General Assembly of 1870–'71.

On motion of Mr. Norment, the Senate insisted upon amendments, and a message was ordered to be sent to House asking for a committee of conference, and designat Messrs. Norment and Beasley as the members of the Sen

anch of said committee, and the message was accordingly

The consideration of the special order was then resumed.

Mr. Linney moved to strike out all of the section 8 to the rds "the said Convention," and to insert after words officers, words "and members."

Mr. Graham moved to lay the special order on the table. e motion prevailed.

Mr. Graham moved that when this Senate adjourns it will ourn to 74 P. M. The motion prevailed.

On motion of Mr. Graham, the special order was taken from table and made the special order for 7½ P. M.

On motion of Mr. Linney, leave of absence was granted to . Love for ten days.

Mr. Price moved that the Senate do now adjourn. The tion did not prevail.

Ir. Robbins, of Davidson, from the Committee on Enrolled s, reported as correctly enrolled, an act in relation to an action to fill the vacancy in the 26th Senatorial District, ch was duly ratified by the President and transmitted to Secretary of State.

on motion of Mr. Price, the Senate adjourned.

# SENATE CHAMBER, 71 P. M., December 19th, 1870.

the Senate met pursuant to adjournment.

in motion of Mr. Troy, the rules were suspended, and H. 10, S. B. 110, a bill to be entitled an act to restore to the stern Railroad Company its original chartered privileges, to late the appointment of State directors, and to define the of the State in the general meetings of the stockholders aid Company, was taken up and put upon its third reading. Troy moved to strike out the following proviso to sec-1 adopted on the second reading, to-wit: Provided, That

no claim whatever of the State for stock in said Company she be surrendered, until the bonds by which such stock was a tained shall be returned to the Treasury. The motion to striout prevailed.

The bill then passed its third reading. Yeas 31; Nays 1. Affirmative—Messrs. Adams, Battle, Beasley, Bellam Brogden, Cook, Council, Cowles, Currie, Dargan, Epp Fleming, Gilmer, Graham, Hyman, Jones, Leman, Maune McClammy, McCotter, Merrimon, Morehead, Murphy, Nement, Robbins of Davidson, Robbins of Rowan, Skinn Speed, Troy, Waddell and Worth—31.

Negative-Mr. Flythe-1.

The hour of  $7\frac{1}{2}$  o'clock P. M. having arrived, the spec order for that hour to-wit: S. B. 173, a bill to be entitled act concerning a Convention of the people was taken up, a after discussion made the special order for Monday 19th I cember, at  $10\frac{1}{2}$  o'clock, A. M.

Mr. Moore, from Committee on Corporations, reported ba S. B. 147, a bill to be entitled an act to incorporate the Hebri Benevolent Society, of the city of Charlotte, N. C.

H. B. S6, S. B. 160, a bill to be entitled an act to amend t charter of the town of Goldsboro'.

S. B. 145, a bill to be entitled an act to incorporate the Fa etteville Independent Bucket Company, with recommendati that they do pass, and

S. B. 168, a bill to be entitled an act to amend charter the Bladen Land Company, with recommendation that it not pass.

On motion of Mr. Jones, the Senate adjourned.

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#### TWENTY-FIFTH DAY.

SENATE CHAMBER, December 19th, 1870.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Norment.

Journal of Saturday was read.

Mr. Love, from the Committee on Propositions and Grievances, reported favorably on S. R. 164, resolution in favor of W. H. Higdon, late sheriff of Macon county.

H. B. 44, S. B. 111, an act to empower the personal repreentatives of the late sheriff of Person county, to collect crears of taxes, and

H. B. 12, S. B. 130, an act authorizing the late sheriffs of Jadkin and Surry counties to collect arrears of taxes, with the several accompanying amendments.

On motion of Mr. Council, the rules were suspended, and B. 112, H. B. 20, a bill to be entitled an act for the relief f the sheriff of Watauga county was taken up and put upon a several readings.

The bill was read the second time, and the question recurng upon the amendment offered by the Committee on Propotions and Grievances, to wit: to add to the first section the ords "and the costs of the suit imposing the penalty aforesid." The amendment prevailed.

The bill then passed the second time.

The bill was then read the third time and passed. Yeas 39; ays none.

Afirmative—Messrs. Adams, Albright, Barnett, Battle, easley, Bellamy, Council, Cowles, Crowell, Currie, Dargan, ppes, Fleming, Flythe, Gilmer, Graham, Hyman, Jones, ing, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, cCotter, Merrimon, Moore, Murphy, Norment, Olds, Robns of Davidson, Robbins of Rowan, Skinner, Speed, Wadll, Warren, Whitesides and Worth—39.

Negative-None.

Mr. Norment, from the Conference Committee, on mileage and per diem, reported that the Committee had conferred upon the subject matter committed to them, and unanimously recommended that the Senate recede from its amendments to House bill 140, and concur in the passage of said bill.

The Senate refused to concur in the report. Yeas 17; Nays 26.

Affirmative—Messrs. Adams, Barnett, Battle, Beasley, Bellamy, Council, Crowell, Dargan, Eppes, Flythe, Hyman, Norment, Olds, Price, Skinner, Speed and Waddell—17.

Negative—Messrs. Albright, Brogden, Cowles, Currie, Flemming, Gilmer, Graham, Jones, King, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Troy, Warren, Whitesides and Worth—26.

The hour of 10 A. M. having arrived, the special order was taken up, and on motion, its further consideration postponed for five minutes.

Mr. Gilmer moved that a committee of further conference be raised consisting of three on the part of the Senate and five on the part of the House of Representatives.

Mr. Speed moved to postpone that motion indefinitely, and upon this demanded the yeas and nays. The Senate agreed thereto, and the motion to postpone did not prevail. Yeas 17; Nays 24.

Affirmative—Messrs. Barnett, Beasley, Bellamy, Brogden, Dargan, Fleming, Flythe, Hyman, King, Love, McCotter, Morehead, Norment, Olds, Price, Skinner and Speed—17.

Negative—Messrs. Adams, Albright, Council, Cowles, Currie, Eppes, Gilmer, Graham, Jones, Ledbetter, Lehman, Linney, Mauney, McClammy, Merrimon, Moore, Murphy, Robbins of Davidson, Robbins of Rowan, Troy, Waddell, Warren, Whitesides and Worth—24.

Mr. Love moved to reconsider the vote by which the Senate refused to concur in the report of the Committee of Conference.

The question recurring upon the motion, there were twentyone votes in the affirmative and twenty-one votes in the negative. The Chair voted in the negative, and the motion to reconsider did not prevail.

The consideration of the special order, a bill to be entitled an act concerning a Convention of the people was then resumed.

The question recurring upon the amendment of Mr. Linney, to section 8, the amendment prevailed.

Mr. Jones called the previous question.

The President then stated that in his opinion the assent of two-thirds of all the Senators elect was necessary to the passage of the bill, that he desired to submit that as a preliminary question for the consideration of the Senate, and that in case the Senate decided adversely to the opinion of the chair, he would temporarily call thereto some Senator whose opinion coincided with that of the Senate.

The preliminary question as stated by the President, was then submitted to the Senate. Upon this the yeas and nays were demanded. The Senate agreed thereto, and thereupon decided that the assent of two-thirds of all the Senators elect was not necessary to the passage of the bill before the Senate. Yeas 12; Nays 28.

Affirmative—Messrs. Barnett, Beasley, Bellamy, Brogden, Eppes, Flythe, Hyman, King, Lehman, McCotter, Moore and Price—12.

Negative—Messrs. Adams, Albright, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Graham, Jones, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren, Whitesides and Worth—28.

The Senate having decided adversely to the opinion of the chair, and the President having conscientious objections to giving his official sanction to what he deemed an unconstitutional act, he called Mr. Warren to the chair.

The previous question was then ordered,

The question then recurring upon its passage, the bill passed its third reading. Yeas 28; Nays 15.

Affirmative—Messrs. Adams, Albright, Battle, Cook, Council, Crowell, Dargan, Fleming, Gilmer, Graham, Jones, Ledbetter, Linney, Love, Mauney, McClammy, Merrimon, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren, Whitesides and Worth—28.

Negative—Messrs. Barnett, Beasley, Bellamy, Brogden, Cowles, Currie, Eppes, Flythe, Hyman, King, Lehman, Mc—Cotter, Moore, Morehead and Price—15.

Mr. Cowles, in explanation of his vote said:

"Mr. Precident: In the canvass last summer, which resulted in my election as Senator from the 35th district, I did not foresee the importance and necessity of a Convention of the

people at so early a period as this bill proposes.

"I desire to avoid even by implication the semblance of moreancy to the pledges made my constituents. For this reason I shall, in exact conformity with those pledges, vote"No," but should the bill pass, I shall exert my humble influence to secure the call of the Convention, by a majority of the voters of the State, believing a Convention of the people absolutely necessary, and the only speedy and efficient remedy for the exhaustive diseases which now afflict and oppress the people and the treasury."

On motion of Mr. Graham, leave of absence for one week: from Friday morning was granted to Mr. Albright.

Mr. Gilmer moved that when this Senate adjourns it will adjourn to 7 o'clock P. M.

Upon this the yeas and nays were demanded. The Senate agreed thereto, and the motion prevailed. Yeas 31; Nays 7-

Affirmative—Messrs. Adams, Albright, Battle, Beasley, Cook, Council, Cowles, Crowell, Currie, Fleming, Flythe, Gilmer, Graham, King, Ledbetter, Linney, Love, McClanmy, Merrimon, Moore, Morehead, Murphy, Norment, Robbins of

Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Warren and Worth—31.

Negative—Messrs, Barnett, Bellamy, Brogden, Eppes, Hyman, Mauney and Price—7.

On motion of Mr. Graham, S. B. 173, a bill to be entitled an act concerning a Convention of the people was ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

Mr. Robbins, from Committee on Enrolled Bills, reported as correctly enrolled,

An act to incorporate the People's Building and Loan Association of Salem.

An act to relieve Thomas F. Baxter, sheriff of Currituck, for failure to pay State taxes.

An act to repeal chapter 52, laws of 1868-'69.

Resolution for the relief of John M. Manger, sheriff of Moore county.

An act to repeal certain parts of chapter forty-one of an ordinance ratified March 13th, 1868.

An act for the relief of James Cashwell, tax collector of Bladen county.

An act to restore to the Western Railroad Company its original chartered privileges, to regulate the appointment of State directors, and to define the vote of the State in the general meetings of the stockholders of said company, which were ratified and transmitted to the Secretary of State.

On motion of Mr. Robbins, of Rowan, the Senate adjourned.

SENATE CHAMBER, 74 P. M., December 19th, 1870.

The Senate met pursuant to adjournment.

Mr. Graham moved to suspend the rules and put on their several readings the following bills: S. B. 67, S. P. B. 3, S. B. 90. The motion prevailed.

S. B. 67, a bill to be entitled an act to alter chapter VI of the Revised Code, concerning the N. C. Institution for the Deaf and Dumb and the Blind, was then read the second time.

On motion of Mr. Robbins, of Davidson, the name of R. W. Best was stricken out, and the name of L. E. Heartt inserted instead thereof.

Mr. Brogden moved to amend by adding the following proviso to section 2:

Provided, That said Board of Trustees shall hold their appointments until the first day of January, 1873, and until their successors are chosen.

The amendment prevailed, and the bill passed its second reading.

The bill was then read the third time.

Mr. Morehead moved to postpone its further consideration and make it the special order for to-morrow at one o'clock.

Mr. Robbins, of Rowan, called the previous question. The Senate sustained the call, and the bill passed its third reading. Yeas 29; Nays 7.

Affirmative—Messrs. Adams, Albright, Battle, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Graham, Jones, Ledbetter, Linney, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren and Worth—29.

Negative—Messrs. Beasley, Bellamy, Brogden, Eppes, Hyman, King and Love—7.

S. B. 90, a bill to be entitled an act to amend the charter of the city of Raleigh, ratified February 3d, 1857, and January 28th, 1863, was then read the second time.

The following amendments were offered by the Committee on the Judiciary, to-wit: for section 1 and 2 the following as substitutes.

Section 1. That no person shall be entitled to vote for mayor or commissioners, unless he shall be an elector of the State of North Carolina, and shall have resided next preceding the day of election ninety days within the corporation and thirty days in the ward in which he claims to be a voter.

SEC. 2. That no person shall be eligible as mayor or commissioner, unless he shall be a qualified voter as prescribed in the preceding section.

It was also moved by the committee to strike out the 10th section.

The previous question was then called and sustained. The amendments were severally adopted, and the bill as amended passed its second reading.

The bill was then read the third time.

Mr. Robbins, of Rowan, called the previous question.

The Senate ordered the main question to be put, and the bill passed its third reading—Yeas 27; Nays 8.

Affirmative—Messrs. Adams, Albright, Battle, Council, Cowles, Crowell, Currie, Dargau, Fleming, Gilmer, Graham, Jones, Ledbetter, Linney, Love, Mauney, McClammy, Merrimon, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren and Worth—27.

Negative—Messrs. Beasley, Bellamy, Brogden, Eppes, Flythe, Hyman, King and McCotter—8.

S. B. 3, a bill to be entitled an act for the better regulation of the town of Elizabeth city, Pasquotank, N. C., was read the second time. The substitute offered by the Committee on the Judiciary was then read and adopted.

Mr. Hyman moved to postpone the bill indefinitely. The motion did not prevail and the bill passed its second reading.

The bill was then read the third time. The previous question was called and sustained, and the bill passed its third reading. Yeas 27; Nays 9.

Affirmative—Messrs. Adams, Albright, Battle, Council, Cowles, Crowell, Currie, Dargan, Flemming, Gilmer, Graham,

Jones, Latham, Ledbetter, Linney, Mauney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell Warren and Worth—27.

Negative—Messrs. Beasley, Bellamy, Brogden, Eppes, Flythe, Hyman, King, Love and McCotter—9.

A message was sent to the House of Representatives transmitting for concurrence S. B. 54, a bill concerning inspectors in the city of Wilmington, N. C.

A message was received from the House of Representatives informing the Senate that the House had agreed upon articles of impeachment against William W. Holden, Governor of North Carolina, and that the managers appointed by the House to conduct the trial would appear before the Senate and exhibit said articles whenever it would be the pleasure of the Senate to receive them.

On motion of Mr. Jones, a message was sent to the House informing that body that the Senate would receive the managers and the articles of impeachment to-morrow morning at eleven o'clock.

On motion of Mr. Morehead, the rules were suspended, and S. B. 79, a bill in relation to salaries and fees was taken up. The question recurring on the motion of Mr. Love, to reconsider the vote by which section 6 was adopted, Mr. Love called the previous question. The Senate sustained the call, and the motion to reconsider did not prevail. Yeas 10; Nays 21.

Affirmative—Messrs. Cowles, Crowell, Dargan, Love, Mc-Clammy, Merrimon, Morehead, Robbins of Davidson, Warren and Worth—10.

Negative—Messrs. Adams, Bellamy, Brogden, Cook, Council, Currie, Eppes, Fleming, Gilmer, Graham, King, Linney, Mauney, McCotter, Murphy, Norment, Robbins of Rowan, Skinner, Speed, Troy and Waddell—21.

On motion of Mr. McClammy, the further consideration of the bill was postponed, and made the special order for to-morrow morning at 10½ o'clock.

Mr. Graham moved to suspend the rules to take up S. B.

107, a bill to be entitled an act to allow the commissioners of Orange county to levy a special tax. The motion prevailed, and the bill was read the second time.

The question recurring upon the amendment offered by the Committee on Propositions and Grievances, the amendment was adopted, and the bill as amended passed its second reading. Yeas 25: Nays 1.

Affirmative—Messrs. Adams, Bellamy, Brogden, Council, Currie, Dargan, Fleming, Gilmer, Graham, King, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren and Worth—25.

Negative—Mr. Hyman—1.
On motion, the Senate adjourned.

#### TWENTY-SIXTH DAY.

SENATE CHAMBER, December 20th, 1870.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Norment.

Journal of yesterday was read.

A message was received from the House of Representatives, informing the Senate that the House had refused to concur in the report of the Committee of Conference on per diem and mileage, and asking for a Committee of further conference, and designating Messrs. Sparrow, Settle and Sykes, as the members of said committee on the part of the House.

The Senate concurred in the message, and the President designated Messas Speed and Dargan as members of Senate branch of said committee.

Mr. Olds asked and obtained leave to have his vote recorded in the negative on the vote taken yesterday, on the third

reading of S. B. 173, a bill concerning a Convention of the people.

Leave of absence for Messrs. King, Adams, Cook, Battle and Lehman, was moved for, and on motion of Mr. Robbins, of Rowan, the motion was laid on the table.

On motion of Mr. Jones, it was ordered that the seats on the right of the Chair be vacated for the accommodation of the members of the House of Representatives, during the exhibition of the articles of impeachment against Governor Holden.

The hour of 10½ A. M. having arrived, the consideration of the special order was postponed for a half hour, on motion of Mr. Merrimon, who presented a memorial from R. H. Cannon, E. R. Hampton and others.

On motion, the memorial was ordered to be placed on the calendar to be considered with S. B. 58.

Mr. Currie, from the Committee on Engrossed Bills, reported as correctly engrossed, S. B. 173, a bill to be entitled an act concerning a Convention of the people, and amendment to H. B. 20, S. B. 112, for the relief of the sheriff of Watauga county, which was transmitted to the House for concurrence.

The hour for the special order having arrived, on motion of Mr. Jones, its consideration was postponed until after the retirement of the managers and members of the House of Representatives from the Senate Chamber.

A committee from the House of Representatives having been announced, the managers on the part of the House, accompanied by a committee of the whole House, came forward and exhibited articles of impeachment against William W. Holden, Governor of North Carolina, and demanded that the Senate take order thereon.

Thereupon proclamation having been duly made, the articles were read by the Clerk. ARTICLES EXHIBITED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH CAROLINA, IN THE NAME OF THEMSELVES AND ALL THE PEOPLE OF THE STATE OF NORTH CAROLINA, AGAINST WILLIAM W. HOLDEN, GOVERNOR OF THE STATE OF NORLH CAROLINA, IN MAINTENANCE AND SUPPORT OF THEIR IMPEACHMENT AGAINST HIM, FOR HIGH CRIMES AND MISDEMEANORS IN HIS SAID OFFICE.

# ARTICLE I.

That by the Constitution of the State of North Carolina, the Governor of said State has power to call out the militia thereof to execute the laws, suppress riots of insurrections, and repel invasion, whenever the execution of the law shall be resisted, or there shall exist any riot, insurrection or invasion, but not otherwise; that William W. Holden, Governor of said State, unmindful of the high duties of his office, the obligation of his solemn oath of office, and the Constitution and laws of said State, and intending to stir up civil war, and subvert personal and public liberty, and the Constitution and laws of said State, and of the United States, and contriving and intending to humiliate and degrade the said State and the people thereof, and especially the people of the county of Alamance, and to provoke the people to wrath and violence, did, under color of his said office, on the seventh day of March, in the year of our Lord one thousand eight hundred and seventy, in said State, of his own false, corrupt and wicked mind and purpose, proclaim and declare that the county of Alamance in said State, was in insurection, and did, after the days and times last aforesaid, send oodies of armed, desperate and lawless men, organized and set on foot without authority of law, into said county, and occupy he same by military force, and suspend civil authority, and the Constitution and laws of the State; and did, after the days and imes last aforesaid, and before the time of impeachment in this behalf, through and by means of such armed, desperate and lawess men, arrest many peaceable and law-abiding citizens of said

county of Alamance, then and there about their lawful business: and did detain, hold, imprison, hang, beat, and otherwise maltreat and injure many of them, to-wit: Lucien H. Murray, George S. Rogers, William Bingham, Alexander Wilson, Walter Thornton, William Redding, Thomas M. Holt, George Andrews, John Andrews, Frederick Blanchard, Adolphus G. Moore, John Roberson, James N. Holt, William Tate, Alexander Patton, Jesse Grant, Lemuel Whitsett, Josiah Thompson, Sidney Steel, George Johnson, William Patton, Joseph Wright, Benjamin McAdams, Ruffin Andrews, Thomas Ray, Joseph Prichard, Loftin Tear, Joseph Thompson, Henry Cooke, William Andrews, M. N. Shaw, John Long, James H. Anderson, Joseph Gibson, Henry Prichard, Joseph Nelson, James R. Murphy, Jr., William Kirkpatrick, Thomas Gray, Jefferson Younger, Frank Mebane, Clement Curtis, John W. McAdams, William Moore, William Clendenen. D. W. Weeden, Daniel Moses, P. Thompson, David Moore, Monroe Fowler, Henry C. Hurdle, William Whitsett, Albert Murray, J. G. Moore Joseph Kirkpatrick, W. V. Montgomery, John Trollinger, Jerry Whitsett, Calvin Gibson, John G. Albright, Robert Hannah, William Johnson, Henderson Scott, William Stockard, James Dickson, K. A. Albright, Thomas Lutterloh, John Grant, James Foust, John Curtis, A. Thompson, Robert Stockard, J. A. Moore, James T. Hunter, James S. Scott, John Smith, George Andrews, Milton Pickard, Henry Robertson, John R. Stockard, John Curtis, and Joseph Stockard, when in fact and truth there was no such or any insurrection in said county of Alamance. And he, the said William W. Holden, Governor as aforesaid, well knew that such and said proclamation was groundless and false, and that there was no insurrection in said county, and that all civil authorities, both State and county, in said county, were peacefully and regularly in the full, free and unrestrained exercise in all respects, of the functions of their offices, and the courts were all open, and the due administration of the law was unimpeded by any resistance whatsoever, whereby the said William W. Holden, Governor as aforesaid,

lid then and there, and in the way and manner, and by the neans aforesaid, commit and was guilty of a high crime in office against the Constitution and laws of said State, and the peace, interests and dignity thereof.

## ARTICLE II.

That by the Constitution of the State of North Carolina the Fovernor of said State has power to call out the militia thereof o execute the law, suppress riots or insurrection whenever the xecution of the law shall be resisted, or there shall exist any iot, insurrection or invasion, but not otherwise. That Wilam W. Holden, Governor of said State, unmindful of the igh duties of his office, the obligations of his solemn oath of ffice and the Constitution and laws of said State, and intendag to stir up civil war, and subvert personal and public liberty, nd the Constitution and laws of said State and of the United tates, contriving and intending to humiliate and degrade the aid State and the people thereof, and especially the people of he county of Caswell in said State, and to provoke the people wrath and violence, did under the color of his said office, on ne eighth day of July, in the year of our Lord one thousand ight hundred and seventy, in said State, of his own false, corapt and wicked mind and purpose, proclaim and declare the bunty of Caswell in said State in insurrection, and did, after ne days and times last aforesaid, send bodies of armed, deserate and lawless men, organized and set on foot without aupority of law, into the said county and occupy the same by ilitary force and suspend the civil authority and the Constiation and laws of the State, and did, after the days and times st aforesaid, and before the time of impeachment in this chalf, through and by means of such armed, desperate and wless men, arrest many peaceable and law-abiding citizens of id county of Caswell, then and there about their lawful busiess, and did detain, hold, imprison and otherwise maltreat and jure many of them, to-wit; John Kerr, Samuel P. Hill,

William B. Bowe, Nathaniel M. Roane, Frank A. Wiley, Jesse C. Griffith, J. T. Mitchell, Thomas J. Womack, A. G. Yancev, John McKee, A. A. Mitchell, Yancey Jones, J. M. Neal, Barzillai Graves, Robert Roane, James R. Fowler, M. C. Hooper, James C. Williamson and Peter H. Williamson, when, in fact and truth, there was no such or any insurrection in said county of Caswell, and he, the said William W. Holden, Governor as aforesaid, well knew that such and said proclamation was utterly groundless and false, and that there was no insurrection in said county of Caswell, and that all the civil authorities, both State and county in said county, were peacefully and regularly in the full, free and unrestrained exercise in all respects of the functions of their offices, and the courts were all open and the due administration of the law was unimpeded by any resistance whatsoever, whereby the said William W. Holden, Governor as aforesaid, did then and there, and in the way and manner, and by the means aforesaid, commit and was guilty of a high crime in office against the Constitution and laws of said State. and the peace, interest and dignity thereof.

# ARTICLE III.

That the said William W. Holden, Governor of the State of North Carolina, on the fifth day of August, in the year of our Lord one thousand eight hundred and seventy, in the county of Orange, in said State, did then and there unlawfully, and without any lawful warrant and authority, and in defiance and subversion of the Constitution and laws of said State, and in violation of his oath of office, and under color of his said office, incite, procure, order and command one John Hunnicutt and other evil disposed persons to assault, seize, detain and imprison and deprive of his liberty and privileges as a freeman and citizen of said State, Josiah Turner, junior, a citizen and resident of the county of Orange, in the State aforesaid, and in pursuance of said incitement, procurement, order and command the said John Hunnicutt and the evil disposed per

sons aforesaid did assault, seize, detain, imprison and deprive of his liberty and privileges as a freeman and citizen of said county and State for a long time, to-wit: For the time of ten days and more, the said Josiah Turner, junior, whereby the said William W. Holden, Governor as aforesaid, did then and there commit a high misdemeanor in office against the Constitution and laws of said State, and the peace interests and dignity thereof.

### ARTICLE IV.

That the said William W. Holden, Governor of the State of North Carolina, on the first day of August, in the year of our Lord one thousand eight hundred and seventy, in the county of Caswell in said State, did then and there unlawfully, and without any lawful warrant and authority, and in defiance and subversion of the Constitution and laws of said State, and in violation of his oath of office, and under color of his said office, incite, procure, order and command one George W. Kirk, and one B. G. Burgen and other evil disposed persons, to assault, seize, detain and imprison and deprive of their liberty and privileges as freemen and citizens of said State, John Kerr, Samuel P. Hill, William B. Bowe and Nathaniel M. Roane, citizens and residents of the county of Caswell in the State aforesaid; and in pursuance of said incitement, procurement, order and command, the said George W. Kirk and the said B, G, Burgen, and the evil disposed peasons aforesaid, did assault, seize, detain, imprison and deprive of their liberty and privieges as freemen and citizens of said county and State, for a ong time, to wit: For the space of one mouth and more, the aid John Kerr, Samuel P. Hill, William B. Bowe and Nathaniel M. Roane, whereby the said William W. Holden, Fovernor as aforesaid, did then and there commit and was cuilty of a high misdemeanor in office against the Constitution nd laws of said State and the peace, interests and dignity hereof.

#### ARTICLE V.

That the said William W. Holden, Governor of the State of North Carolina, heretofore, to wit: In the months of June, Jul and August, in the year of our Lord one thousand eight hur dred and seventy, under color of his said office, unlawfully re cruited, armed and equipped as soldiers a large number of mer to wit: Five hundred men and more, and organized them as a army, and appointed officers to command, and use such arme men as he, the said William W. Holden, Governor, under cold of his said office, might from time to time order and direct that during the said months of June July and August, he, th said William W. Holden, Governor as aforesaid, under color of his said office, placed a large number of said armed men unde the immediate command and control of one George W. Kir as Colonel, aided by one B. G. Burgen as Lieutenant Colone one H. C. Yates as Major, and sundry other persons as Car tains and Lieutenants, and sent such last mentioned armed me under the immediate command of George W. Kirk as Colone B. G. Burgen as Lieutenant Colonel, H. C. Yates as Majo and said sundry other persons as Captains and Lieutenants, int the county of Alamance, and by the procurement, order an command of him, the said William W. Holden, Governor aforesaid, under color of his said office, the said armed men la aforesaid, seized, held, detained and imprisoned, in said count of Alamance, one Adolphus G. Moore, a peaceable and law-ab ding citizen of said county, then and there engaged about h lawful business; that the said Adolphus G. Moore, being s seized, held, detained and imprisoned and deprived of his life erty, was then and there in the custody of the said George W Kirk, acting as Colonel, and commanding the armed body men last aforesaid, by the order, command and procurement the said William W. Holden; That the said Adolphus C. Moore being so seized, held and imprisoned and deprived of h liberty, made due application to the Honorable Richmond N Pearson, Chief Justice of the Supreme Court of said State,

by law he might do, for the writ of habeas corpus, to the end, that the said Chief Justice might duly enquire the cause of said seizure, detention and imprisonment, and deliver him from the same according to law. That the said Chief Justice issued the writ of habeas corpus at the instance of the said Adolphus G. Moore, directed to the said George W. Kirk, commanding him forthwith to produce the body of the said Adolphus G. Moore, before him the said Chief Justice, at the Chamber of the Supreme Court in the City of Raleigh, in said State; that the said George W. Kirk was, on the seventeenth day of July, in the year of our Lord, one thousand eight hundred and seventy, in the county of Alamance, duly served with the said writ of habeas corpus; that he made no return of or to the same, as required by law, and refused to produce the body of the said Adolphus G. Moore, before the Chief Justice according to the exigency of said writ, avowing and declaring that he had made such seizure and detained and imprisoned the said Adolphus G. Moore, at the instance of and by the procurement, command and order of the said William W. Holden, Governor as atoresaid, and would not produce the body of him, the said Adolphus G. Moore, before the said Chief Justice according to the exigency of said writ, unless compelled so to do by superior armed force, or by the express order and command of the said William W. Holden, Governor as aforesaid; that such refusal of the said George W. Kirk to obey the said writ, was made duly to appear before the said Chief Justice, whereupon the said Chief Justice made enquiry of the said William W. Holden, Governor as aforesaid, if he had so ordered the said George W. Kirk to so seize, detain and imprison the said Adolphus G. Moore; that the said William W. Holden, Governor as aforesaid, made answer in substance, and to the effect, to said enquiry of said Chief Justice, that he had theretofore ordered and commanded the said George W. Kirk to so seize, detain and im-Porison and deprive of his liberty, the said Adolphus G. Moore, and that such seizure and detention was made by his order and command, whereupon the said Chief Justice, upon due consideration, solemnly adjudged in substance and effect that according to the Constitution and laws of said State, the privilege of the writ of habeas corpus was not suspended, and that the said George W. Kirk and the said William W. Holden, Governor as aforesaid, were in duty bound to bring and produce the body of the said Adolphus G. Moore, before him the said Chief Justice, according to the exigency of the said writ; yet the said William W. Holden, Governor as aforesaid, unmindful of his most solemn oath of office, and his high duties as the Executive of said State, and contriving, and then and there intending to deprive the said Adolphus G. Moore of his liberty as a free citizen of said State, and to defy and subvert the Constitution and laws of said State, declared that he had so ordered, and did still so order and commanded the said George W. Kirk not to obey the said writ so issued by the said Chief Justice, and then and there declared to the said Chief Justice, that he, the said William W. Holden, Governor as aforesaid, would not obey the said writ, or the command of the said Chief Justice in that be half, and that he would not allow the said George W. Kirk to obey the same and produce the body of the said Adolphus G. Moore, before the said Chief Justice, according to the exigency of said writ, until such time as in his discretion he might think proper so to do; that while the said William W. Holden, Governor as aforesaid, so seized, held, detained, imprisoned and deprived of his liberty, said Adolphus G. Moore, and so refused to obey the said writ, and to command the said George W. Kirk so to do, and so resisted the laws and the lawful authority of the said Chief Justice, he was by his own procurement, order and command supported in that behalf by the means and use of said armed men, so commanded and controlled as aforesaid, and so the said William W. Holden, Governor as aforesaid, did in the way and manner, and by the means aforesaid, procure order and command the said George W. Kirk, so charged by said writ of habeas corpus, to refuse to make due return of or to the same, and produce the body of the said Adolphus G. Moore, before the said Chief Justice, according to the exigen

cy of the said writ, and to resist the same and the lawful authority of the said Chief Justice, and did himself then and there in the way and manner and by the means aforesaid, resist the due execution of the said writ, and the lawful authority of the said Chief Justice, and did then and there in the way and manner, and by the means and armed force aforesaid, suspend the privilege of the writ of habeas corpus, and did unlawfully and violently seize, detain, hold, imprison and deprive of his liberty, the said Adolphus G. Moore, and for a long time, to wit: for the space of one calendar month, after the said Chief Justice had adjudged such detention illegal, did continue to hold and detain and caused to be held and detained said Adolphus G. Moore, and did in the way and manner and by the means aforesaid, make the military supercede and prevail over the lawful civil power of the State, all of which acts, matters and things, the said William W. Holden, Governor as aforesaid, did as aforesaid, in violation of his solemn oath of office, and whereby he the said William W. Holden, Governor as aforesaid, did then and there commit high crimes and misdemeanors in office, against the Constitution and laws of said State, and the peace, dignity and interests thereof.

# ARTICLE VI.

That the said William W. Holden, Governor of the State of North Carolina, heretofore, to wit: In the months of June, July and August, in the year of our Lord one thousand eight hundred and seventy, under color of his said office, unlawfully recruited, armed and equipped as soldiers a large number of men, to wit: Five hundred men and more, and organized them as an army, and appointed officers to command and use such armed men as he, the said William W. Holden, Governor as aforesaid, under color of his said office, might from time to time order and direct; that during the said months of June, July and August, he, the said William W. Holden, Governor as

aforesaid, under color of his said office, placed a large number of said armed men under the immediate command and control of one George W. Kirk, as Colonel, aided by one B. G. Burgen, as Lieutenant Colonel, one H. C. Yates, as Major, and sundry other persons as Captains and Lieutenants, and sent such last mentioned armed men under the immediate command of George W. Kirk, as Colonel, B. G. Burgen, as Lieutenant Colonel, H. C. Yates, as Major, and said sundry other persons as Captains and Lieutenants, in the county of Caswell, and by the procurement, order and command of him, the said William W. Holden, Governor as aforesaid, under color of his said office, the said armed men last aforesaid seized. held, detained and imprisoned in said county of Caswell, John Kerr, Samuel P. Hill, Jesse C. Griffith, Frank A. Wiley, J. T. Mitchell, Thomas J. Womack, A. G. Yangev, John McKee, A. A. Mitchell, Yancey Jones, J. M. Neal, William B. Bowe, Barzillai Graves, Nathaniel M. Roane, Robert Roane, James R Fowler, M. Z. Hooper, James C. Williamson and Peter H. Williamson, peaceable and law-abiding citizens of said county, then and there engaged about their lawful business; that the said John Kerr, Samuel P. Hill, Jesse C. Griffith, Frank A. Wiley, J. T. Mitchell, Thomas J. Womack, A. G. Yancey, John McKee, A. A. Mitchell, Yancey Jones, J. M. Neal. William B. Bowe, Barzillai Graves, Nathaniel M. Roane, Robert, Roane, James R. Fowler, M. Z. Hooper, James C. Williamson and Peter H. Williamson, being so seized, held. detained and imprisoned and deprived of their liberty, were then and there in the custody of the said George W. Kirk, acting as Colonel and commanding the armed body of men last aforesad by the order, command and procurement of the said William W Holden, Governor as aforesaid; that the said John Kerr Samuel P. Hill, Jesse C. Griffith, Frank A. Wiley, J. T. Mitchell, Thomas J. Womack, A. G. Yancey, John McKee, A A. Mitchell, Yancey Jones, J. M. Neal, William B. Bowe Barzillai Graves, Nathaniel M. Roane, Robert Roane, Jame R. Fowler, M. Z. Hooper, James C. Williamson and Peter H

Williamson being so seized, held and imprisoned and deprived of their liberty, made due application to the Honorable Richmond M. Pearson, Chief Justice of the Supreme Court of said State, as by law they might do, for the writ of habeas corpus to the end that he, the said Chief Justice, might duly enquire the cause of said seizure, detention and imprisonment, and deliver them from the same according to law; that the said Chief Justice issued the writ of habeas corpus at the instance of the said John Kerr, Samuel P. Hill, Jesse C. Griffith, Frank A. Wiley, J. T. Mitchell, Thomas J. Womack, A. G. Yancey, John McKee, A. A. Mitchell, Yancey Jones, J. M. Neal, William B. Bowe, Barzillai Graves, Nathaniel M. Roane, Robert Roane, James R. Fowler, M. Z. Hooper, James C. Williamson and Peter H. Williamson, on the twenty-sixth day of July, in the year of our Lord one thousand eight hundred and seventy, directed to the said George W. Kirk, commanding him forthwith to produce the bodies of the said John Kerr, Samuel P. Hill, Jessee C. Grffith, Frank A. Wiley, J. T. Mitchell, Thomas J. Womack, A. G. Yancey, John McKee, A. A. Mitchell, Yancey Jones, J. M. Neal, William B. Bowe, Barzillai Graves, Nathaniel M. Roane, Robert Roane, James R. Fowler, M. Z. Hooper, James C. Williamson and Peter H. Williamson, before him, the said Chief Justice, at the Chamber of the Supreme Court in the city of Raleigh, in said State; that the said George W. Kirk was, on the first day of August, in the year of our Lord one thousand eight hundred and seventy, in the County of Caswell, duly served with the said writ of habeas corpus; but instead of making due return to the said writ, stated that "I hold the said prisoners under orders from W. W. Holden, Governor and Commanker-in-Chief of Militia," and refused to produce the bodies of the said John Kerr, Samuel P. Hill, Jesse C. Griffith, Frank A. Wiley, J. T. Mitchell, Thomas J. Womack, A. G. Yancey, John McKee, A. A. Mitchell, Yancey Jones, J. M. Neal, William B. Bowe, Barzillai, Graves, Nathaniel M. Roane, Robert Roane, James R. Fowler, M. Z. Hooper, James C. Williamson, and Peter H. Williamson

before the said Chief Justice, according to the exigencies of the said writ; and thereafter the said George W. Kirk continued to hold and detain and deprive of their liberty, the said John Kerr, Samuel P. Hill, Jesse C. Griffith, Frank A. Wiley, J. T. Mitchell, Thomas J. Womack, A. G. Yancey, John McKee, A. A. Mitchell, Yancey Jones, J. M. Neal, William B. Bowe, Barzillai Graves, Nathaniel M. Roane, Robert Roane, James R. Fowler, M. Z. Hooper, James C. Williamson and Peter H. Williamson for a long time, to-wit: For the space of one calendar month, the said seizure and detention of the said John Kerr, Samuel P. Hill, Jesse C. Griffith, Frank A. Wilev, J. T. Mitchell, Thomas J. Womack, A. G. Yancey, John McKee, A. A. Mitchell, Yancey Jones, J. M. Neal, William B. Bowe, Barzillai Graves, Nathaniel M. Roane, Robert Roane, James R. Fowler, M. Z. Hooper, James C. Williamson and Peter H. Williamson by the said George W. Kirk and the military force under his command as aforesaid, having been made and continued as aforesaid by the orders of the said William W. Holden, Governor of the State aforesaid, he, the said William W. Holden, Governor as aforesaid, well knowing that the privilege of the writ of habeas corpus was not suspended, and that the said John Kerr, Samuel P. Hill, Jesse C. Griffith. Frank A. Wiley, J. T. Mitchell, Thomas J. Womack, A. G. Yancey, John McKee, A. A. Mitchell, Yancey Jones, J. M. Neal. William B. Bowe, Barzillai Graves, Nathaniel M. Roane, Robert Roane, James R. Fowler, M. Z. Hooper, James C. Williamson and Peter H. Williamson were so detained without authority of law, whereby he, the said William W. Holden, Governor as aforesaid, did then and there commit high crimes and misdemeanors in office against the Constitution and laws of said State, and peace, dignity and interests thereof.

# ARTICLE VII.

That the said William W. Holden, Governor of North Carolina, unmindful of his high duty to uphold and protect the

Constitution and laws of said State, and the good name, dignity and honor of the people thereof, and unmindful of the obligation of his solemn oath of office, under color of his said office, did, in the months of June, July and August, in the year of our Lord one thousand eight hundred and seventy, in said State, without any authority of law, but in contravention and subversion of the Constitution and laws of said State and the United States, and intending to provoke and stir up civil strife and war, recruit and call together from this State and the State of Tennessee a large number of men, to-wit: Five hundred men and more, many of them the most reckless, desperate ruffianly and lawless characters, and did then and there organize, arm and equip them as an army of soldiers, and place the same under the chief command of a notorious desperado from the State of Tennessee, by the name of George W. Kirk, having falsely proclaimed the counties of Alamance and Caswell in said State in a state of insurrection, and did send large numbers of such armed desperate men into said counties, under the immediate command of the said George W. Kirk and two other desperadoes from the State of Tennessee, to-wit: One B. G. Burgen and one H. C. Yates, and did there and then without any warrant or authority, seize, hold imprison and deprive of their liberty for a long time, to-wit: For the time of twenty days or more, many of the peaceable and law-abiding citizens of said counties, to-wit : John Kerr, Samuel P. Hill, —— Scott, John R. Ireland and many others, and seize, hold, imprison and deprive of their liberty, and hung by the neck William Patton, Lucien H. Murray and others, and did thrust into a leathsome dungeon Josiah Turner, junior, and F. A. Wiley; and to maintain, support and aid the lawless armed men so organized, armed and equipped, did, under color of his said office from time to time during the said months of June, July and August, without any lawful authority, make his warrant upon David A. Jenkins, Treasurer of the State, for large sums of money, to-wit: For the sum of seventy thousand dollars and more, and cause and procure the said

David A. Jenkins, the Treasurer of the State, to recognize such unlawful warrant, and pay out of the Treasury such said large sums of money to the agent or paymaster of the said William W. Holden, Governor as aforesaid, for the unlawful uses and purposes aforesaid, whereby the said William W. Holden, Governor as aforesaid, did then and there, and by the means and in the manner aforesaid, commit a high misdemeanor in office, in violation of the Constitution and laws of the State, and of the peace and interests and dignity thereof.

#### ARTICLE VIII.

That the said William W. Holden, Governor of the said State, unmindful of the high duties of his said office, and the obligations of his solemn oath of office, and contriving and intending, and with a view and for the purpose of supporting and maintaining an armed military force in said State, which he had then and there recruited, organized and formed for illegal purposes, without the sanction of the Constitution and I ws of the said State, but in contravention of the same, did from time to time in the months of June, July and August, in the year of our Lord one thousand eight hundred and seventy, under color of his said office, in said State, without the sanction of the Constitution and laws of said State, and in violation of the same, make his warrants as such Governor upon the Treasury of the said State, for large sums of money, to-wit: for the sum of eighty thousand (\$80,000) dollars and more, to be used for the unlawful purposes aforesaid, that the said William W. Holden, Governor as aforcsaid, under the color of his said office, then and there persuaded, commanded, incited and procured David A. Jenkins, Treasurer of said State, to recognize such and said unlawful warrants on the Treasury of said State, and to deliver such and said sums of money to such agents of the said William W. Holden, Governor as aforesaid as he, the said William W. Holden, Governor as aforesaid, might from time to time designate and appoint; that in pursuant of such warrants and

orders of the said William W. Holden, Governor as aforesaid, the said David A. Jenkins, Treasurer as aforesaid, delivered to one A. D. Jenkins, called the paymaster, appointed by the said William W. Holden, Governor as aforesaid, for such purposes, large sums of money from said Treasury, to wit: The sum of forty thousand dollars or more; that thereafter, to wit: In the month of August, in the year of our Lord one thousand eight hundred and seventy, one Richard M. Allison, a citizen of the county of Iredell, in said State, brought his suit in the Superior Court of the last named county, in his own behalf, and in the behalf of all the tax-payers of said State, praying that a writ of injunction might then and there be granted, and issued according to law, restraining the said David A. Jenkins, Treasurer as aforesaid, from delivering any sum or sums of money to the said William W. Holden, Governor as atoresaid, or any other persons in obedience to such orders and for such purposes, and also restraining the said A. D. Jenkins, as such paymaster, or in any other respect or capacity, from disbursing or disposing of said sum of money so in his said hands, or any part thereof, for the purposes thereof. That the Honorable Anderson Mitchell, Judge of said Superior Court, then and there granted the writ of injunction so prayed for, enjoining and forbidding the said David A. Jenkins, Treasurer as aforesaid, from delivering any money from said Treasury, in obedience to any such warrant or order, so made by the said William W. Holden. Governor as aforesaid, and enjoining and forbidding the said A. D. Jenkins, as such paymaster or agent, from using or disbursing the said money or any part of it so in his hands, to or for the use of said armed body of men for any of the purposes aforesaid; that the said David A. Jenkins, Treasurer, and the said A. D. Jenkins, were each duly served with said writ of injunction, but nevertheless the said William W. Holden, Governor as aforesaid, wickedly intending to suspend and subwert the laws of said State, and to defy and disregard the lawful anthority of said Court, did afterwards, to wit: After the month last aforesaid, persuade, incite, order, procure and com-

mand the said A. D. Jenkins to defy and disregard the said writ of injunction, and to deliver the said money so in his custody to another agent of the said William W. Holden, Governor as aforesaid, to be used for the unlawful purposes aforesaid: that the said A. D. Jenkins, in obedience to such last mentioned order, command and procurement of the said William W. Holden, Governor as aforesaid, and in disregard of such writ of injunction and the lawful authority of said Judge, did deliver the said money so in his hands to another agent of the said William W. Holden, Governor as aforesaid, to wit: To one Richard T. Berry, to be used for the unlawful purpose aforesaid, and the said William W. Holden, Governor as aforesaid, did then and there in the way and manner, and by the means and for the purpose aforesaid, procure, order and command the said A. D. Jenkins so to disregard and disobey the said writ of injunction and the lawful authority of said Judge, and did then and there, and in the way and manner, and by the means and for the unlawful purpose aforesaid, dety, disregard, ignore, contravene, suspend and defeat the lawful purpose and effect of the writ of injunction so granted and issued by the said Judge; and thereupon and thereafter the said William W. Holden, Governor as aforesaid, the said sum of public money thus transferred as aforesaid to the hands of the said Richard T. Berry, did order and cause to be paid out and disbursed by him, the said Richard T. Berry, to, for and about the illegal purposes aforesaid, to wit: The payment of the expenses in keeping on foot, sustaining and maintaining the said illegal military force as aforesaid; whereby the said William W. Holden, Governor as aforesaid, was then and there guilty of a high misdemeanor in his said office in violation of his oath of office, and in subversion of the laws of said State, and the peace, interests and dignity thereof.

THOS. J. JARVIS,

Attest: Speaker of the House of Representatives.
W. W. Gaither, Clerk.

Thereupon the President informed the managers and members of the House, that the Senate would take proper order on the articles of impeachment of which due notice would be given to the House of Representatives.

The managers and members of the House of Representatives then withdrew from the Senate Chamber.

The President then returned from the chair after having addressed the Senate as follows:

Senators, It now becomes my duty under the Constitution and laws of this State to retire for the time being from this chair as your presiding officer, to take charge of another department of the Government. Allow me, Senators, before I retire to return to you individually, and as a body, my unteigned thanks for the courtesy, kindness and consideration which you have always extended to my efforts as your presiding officer. The Senate will now proceed to elect a President pro tempore.

Mr. Robbins, of Rowan, moved that Mr. Dargan be called temporarily to the chair. The motion prevailed, and Mr. Dargan took his seat.

Nominations for President pro. tem., having been made, the Senate proceeded under the superintendence of Messrs. Lehman and Worth to vote as follows:

FOR MR. WARREN—Messrs. Adams, Albright, Barnett, Battle, Beasley, Bellamy, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Graham, Jones, King, Lehman, Linney, Love, Mauney, McClaminy, McCotter, Merrimon, Moore, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, White-sides and Worth—36.

FOR MR. GRAHAM—Messrs. Brogden, Flythe, Hyman and Price—4.

Mr. Eppes voted for Mr. Brogden; Mr. Ledbetter voted for Mr. Dargan; Mr. Warren voted for Mr Robbins, of Rowan. Mr. Warren having received a majority of all the votes cast,

was declared duly elected and took the chair as President protem.

Mr. Gilpier offerred the following resolution:

Resolved, That a committee of the Senate be appointed, whose duty it shall be forthwith to proceed to the residence of His Honor Chief Justice Pearson, and respectfully notify him that it is the pleasure of this body, before whom articles of impeachment have been preferred against the Governor of the State, to organize a court of impeachment on Friday the 23d instant.

Mr. Graham offered as a substitute a resolution to raise a committee of three to notify the Chief Justice, that it was the wish of the Senate to organize a court of impeachment on the 4th of January next.

Mr. Linny moved to amend the substitute by striking out the word tourth and inserting word tenth. Upon this the yeas and nays were demanded. The Senate agreed thereto, and the amendment prevailed. Yeas 23; Nays 20.

Affirmative—Messrs. Barnett, Battle, Beasley, Bellamy, Brogden, Cook, Council, Cowles, Crowell, Dargan, Eppes, Flythe, Hyman, King, Lehman, Linney, Love, McCotter, Merrimon, Moore, Olds, Price and Speed—23.

Negative—Messrs. Adams, Currie, Fleming, Gilmer, Graham, Jones, Ledbetter, Mauney, McClammy, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Warren and Worth—19.

The question then recurring upon the adoption of the substitute, the yeas and nays were demanded. The Senate agreed thereto, and the substitute was not adopted. Yeas 20; Nays 23.

Affirmative—Messrs. Barnett, Battle, Beasley, Bellamy, Brogden, Cowles, Crowell, Dargan, Eppes, Flythe, Hyman, King, Lehman, Linney, Love, McCotter, Moore, Olds, Price and Speed—20.

Negative—Messrs. Adams, Cook, Council, Currie, Fleming, Gilmer, Graham, Jones, Ledbetter, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Warren, White-sides and Worth—23.

The question then recurring upon the adoption of the original resolution offered by Mr. Gilmer, the yeas and nays were demanded. The Senate agreed thereto, and the resolution was adopted. Yeas 124; Nays 18.

Affirmative—Messrs. Adams, Cook Council, Currie, Fleming, Gilmer, Graham, Jones, Ledbetter, Love, Mauney, Me-Clammy, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Warren, Whitesides and Worth—24.

Negative — Messrs. Barnett, Beasley, Bellamy, Brogden, Cowles, Crowell, Dargan, Eppes, Flythe, Hyman, King, Lehman, Linney, McCotter, Moore, Olds, Price and Speed—18.

The President designated Mr. Cowles, to constitute the committee ordered by the resolution.

On motion, two copies of the articles of impeachment for each Senator, were ordered to be printed.

On motion, the articles of impeachment were ordered engrossed.

On motion on Mr. Jones, the rules were suspended, and

S. B. 128, a bill to be entitled an act in relation to the special tax money now in the Treasury, or which may be repaid to that fund, under chapters 80 and 174, of the public laws of 1869 and 1870, was put on its third reading.

Mr. Jones offered a substitute for the bill.

Mr. King moved to strike out 2d section of the substitute. The motion did not prevail, and the substitute was adopted.

The bill then passed its third reading. Yeas 32; Nays 4.

Affirmative—Messrs. Adams, Barnett, Battle, Beasley, Bellamy, Cook, Council, Crowell, Currie, Dargan, Eppes, Fleming, Flythe, Gilmer, Graham, Hyman, Jones, Love, Mauney, McClammy, Morehead, Murphy, Norment, Price, Robbins of Da-

vidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren, Whitesides and Worth—32.

Negative—Messrs. Brogden, King, Merrimon and Moore—4. Mr. Love moved that when the Senate adjourns it will adjourn to 7½ o'clock, P. M.

Upon this the yeas and nays were demanded. The Senate agreed thereto, and the motion prevailed. Yeas 22; Nays 12.

Affirmative—Messrs. Battle, Beasley, Cook, Crowell, Currie, Fleming, Flythe, Gilmer, Graham, Jones, Lehman, Love, Mauney, McClammy, Merrimon, Moore, Robbins of Davidson, Speed, Troy, Waddell, Whitesides and Worth—22.

Negative—Messrs. Bellamy, Brogden, Dargan, Eppes, Hyman, King, Morehead, Murphy, Norment, Price, Skinner and Warren—12.

Mr. Dargan, from the Committee of further Conference on mileage and *per diem*, submitted a report recommending that the Senate recede from its amendments to H. B. 140, S. B. 154, and concur in the passage of said bill.

Mr. Barnett moved that the report of the Committee be concurred in.

Mr. Robbins, of Rowan, called the previous question. The Senate sustained the call.

The yeas and nays having been demanded, the Senate agreed thereto, and the report was concurred in. Yeas 20; Nays 17.

Affirmative—Messrs. Barnett, Battle, Beasley, Bellamy, Cook, Council, Crowell, Dargan, Eppes, Flythe, Graham, Hyman, Love, McClammy, Murphy, Norment, Price, Skinner, Speed-and Waddell—20.

Negative—Messrs. Brogden, Currie, Fleming, Gilmer, Jones, King, Lehman, Linney, Mauney, Merrimon, Moore, Morehead, Robbins of Davidson, Robbins of Rowan, Troy, Whitesides and Worth—17.

Mr. Graham moved to reconsider the vote by which the Senate agreed to meet this evening at 7½ o'clock.

Mr. King moved to lay that motion on the table. The motion did not prevail, and the vote was reconsidered.

Mr. Price moved that the Senate do now adjourn. The motion did not prevail.

On motion of Mr. Graham, S. B. 90, S. B. 128, and S. B. 3, were ordered to be forthwith engrossed and transmitted to the House of Representatives, and was accordingly so done.

S. B. 67, a bill to be entitled an act to alter chapter VI of the Revised Code, was reported as correctly engrossed.

On motion of Mr. Lehman, indefinite leave of absence from and after to-day was granted to Mr. McCotter.

The following bills were introduced by message from the House of Representatives, read first time, passed and referred or otherwise disposed of, as follows:

H. B. 148, a bill to be entitled an act to repeal chapter 42 of the Laws of 1869–'70, and for other purposes. Referred to committee on propositions and grievances.

H. B. 129, a bill to be entitled an act to authorize the levy of a special tax for the county of Person. Referred to the committee on finance.

H B. 160, a bill to be entitled an act for the general relief of sheriffs. Referred to the committee on the judiciary.

H. R. 46, resolution concerning revenue. Laid over under the rules.

H. B. 152, a bill to be entitled an act in relation to Roderick McMillan, sheriff of Robeson county. Referred to committee on propositions and grievances.

H. B. 77, a bill to be entitled an act for the relief of the sheriff of Chatham county. Referred to the committee on propositions and grievances.

H. B. 88, a bill to be entitled an act for the relief of the sureties of J. W. C. Pearcy, deceased, late tax collector of Cherokee county. Referred to the committee on propositions and grievances.

H. B. 100, a bill to be entitled an act for the relief of John

S. Johnson, sheriff of Rockingham county. Referred to committee on propositions and grievances.

H. B, 180, a bill to be entitled an act in relation to the Keeper of the Capitol. Placed on calendar.

H. R. 103, resolution in regard to Stationery. Lies over under the rules.

H. R. 49, a resolution in favor of A. S. Hill, sheriff of Cherokee county. Referred to committee on propositions and grievances.

H. B. 114, a bill to be entitled an act in favor of George H. Mitchell. Referred to committee on propositions and grievances.

Messages were received informing the Senate that the House of Representatives had concurred in Senate amend ments to H. B. No. 9, a bill to be entitled an act to establish burnt records, &c., in the county of Clay, and had also concurred in the passage of the following bills to to-wit:

S. B. 171, bill repealing an act in relation to per diem and mileage, acts of 1869-70.

S. B. 24, a bill to repeal chapter 52, laws of 1868-'69.

S. B. 174, an act in relation to election to fill the vacancy in 26th Senatorial District.

S. B. 85, a bill to relieve T. F. Baxter, sheriff of Currituck

S. B. 33, a bill for the relief of James Cashwell, tax collecto of Bladen.

S. R. 5, resolution in relation to Stationery.

S. R. 128, resolution in favor of John M. Monger, sheriff o Moore county, and

Also, that the House had concurred in the amendments of the Senate to H. B. 14, a bill to be entitled an act concerning the city of Wilmington; and in the passage of S. B. 1, a bill to be entitled an act to incorporate the People's Loan and Building Association of Salem; and of S. B. 17, a bill to be entitled an act to repeal parts of certain ordinances, passed March 15th, 1868.

Mr. Murphy moved to suspend the rules, for the purpose of

putting upon its several readings H. B. 86, S. B. 160, a bill to be entitled an act to amend the charter of the town of Goldsboro'.

Mr. Brogden moved to lay that motion on the table.

Mr. Brogden's motion did not prevail, and the rules were suspended. Yeas 27; Nays 11.

Affirmative—Messrs. Adams, Albright, Battle, Council, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Ledbetter, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren, Whitesides and Worth—27.

Negative—Messrs. Barnett, Beasley, Bellamy, Brogden, Eppes, Flythe, Hyman, King, Lehman, Moore and Price—11.

Mr. Love moved to strike out in section fourth word fifteenth and insert twenty-second. The motion prevailed.

Mr. Olds moved to amend by striking out in section word ninety and insert word thirty. Upon this the yeas and nays were demanded. The Senate agreed thereto, and the amendment did not prevail. Yeas 11; Nays 20.

Affirmative—Messrs. Barnett, Beasley, Bellamy, Brogden, Eppes, Flythe, Hyman, Moore, Norment, Olds and Price—11.

Negative—Messrs. Council, Cowles, Crowell, Dargan, Fleming, Gilmer, Graham, Jones, Love, Mauney, McClammy, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell and Worth—20.

The previous question was then called. The Senate sustained the call. The question recurring upon its passage, the bill passed its second reading.

The bill was then read the third time and passed. Yeas 21; Nays 9.

Affirmative—Messrs. Adams, Council, Crowell, Currie, Dargan, Fleming, Gilmer, Graham, Jones, Love, Mauney, McClammy, Morehead, Murphy, Robbins of Rowan, Skiuner, Speed, Troy, Waddell, Warren and Worth—21.

Negative—Messrs. Beasley, Bellamy, Brogden, Eppes, Hyman, King, Moore, Olds and Price—9.

It was then, on motion, ordered that the amendments be

forthwith engrossed and transmitted to the House of Representatives for concurrence.

On motion of Mr. Murphy, H. B. 180, a bill in relation to the Keeper of the Capitol was taken up from the calendar, under a suspension of the rules, read and passed the second and third times. Yeas 26; Nays 2.

Affirmative—Messrs. Adams, Battle, Bellamy, Cook, Council, Currie, Dargan, Fleming, Gilmer, Graham, Lehman, Linney, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Warren, Whitesides and Worth—26.

Negative—Messrs. Brogden and King-2.

On motion of Mr. Robbins, of Rowan, the Senate adjourned.

#### TWENTY SEVENTH DAY.

SENATE CHAMBER, December 21st, 1870.

The Senate met pursuant to adjournment. Prayer by the Rev. Mr. Norment.

Journal of yesterday was read.

Messrs. Albright, Ledbetter and Hawkins asked and obtained leave to have their names recorded in the negative on the vote by which the Senate concurred in the report of the committee of further conference on *per diem* and mileage.

Mr. Olds obtained leave to have his vote recorded in the arffimative on same vote.

The following named bills were introduced, read and passed first time and referred, or otherwise disposed of, as follows:

By Mr. McClammy, a bill to be entitled an act to amend an act entitled an act to incorporate the Wilmington Steam Fire Engine Company. Referred to committee on corporations.

By Mr. Bellamy, a bill to be entitled an act to authorize the

county commissioners of the county of Edgecombe to levy a special tax. Referred to the committee on propositions and grievances.

By Mr. Robbins, of Davidson, a bill to be entitled an act to amend certain acts in respect to bank bills being received in payment of judgments in certain cases. Referred to committee on judiciary.

By Mr. Bellamy, a bill to be entitled an act to require the State Treasurer to refund to the Treasurer of Edgecombe county the funds collected for schools. Referred to committee on education.

By Mr. Lehman, a bill to be entitled an act to incorporate the town of Jackson, in the county of Craven, by the name and style of Stonewall. Placed on the calendar.

By Mr. Lehman, a bill to be entitled an act to incorporate the trustees of Mount Vernon Academy, on Bay river, in the county of Craven. Placed on the calendar.

By Mr. Troy, a bill to be entitled an act to compel the President and directors of the several railroads in this State to account with their successors in office for the property and effects of said companies. Referred to the committee on the judiciary.

By Mr. Cook, a bill to be entitled an act in relation to the Public Library. Referred to committee on library.

By Mr. Gilmer, a bill to be entitled an act to amend section 47, chapter 93, laws of 1868-'9. Referred to committee on judiciary.

By message from the House of Representatives:

H. B. 96, a bill to be entitled an act to appoint a tax collector for Randolph county. Placed on calendar.

H. B. No. 9, a bill to be entitled an act to establish burnt records, &c., in the county of Clay. Placed on calendar.

H. B. 45, a bill to be entitled an act to amend an act incorporating the town of Hickory Tavern. Referred to committee on corporations.

H. R. 122, resolution declaratory of the meaning of a reso-

lution in relation to stationery, passed at the present session of the General Assembly. Referred to committee on judiciary.

H. B. 117, a bill to be entitled an act in relation to the board of commissioners of Iredell county. Placed on calendar.

H. R. 94, a resolution concerning the University. Laid over under the rules.

H. R. 128, resolution in regard to legal steps to be taken against George W. Swepson and M. S. Littlefield. Laid over under the rules.

By Mr. Gilmer, a bill to be entitled an act to amend section 3, chapter 122, private laws of 1869 and 1870. Placed on calendar.

Mr. Love, from the Committee on Propositions and grievances, reported the following bills:

H. B 152, S. B. 188, a bill to be entitled an act in regard to Roderick McMillan, sheriff of Robeson county with, amendment.

H. B. 100, S. B. 185, a bill to be entitled an act for the relief of John S. Johnston, sheriff of Rockingham county, with amendment.

H. B. 88, S. B. 186, a bill to be entitled an act for the relief of the sureties of J. W. C. Pearcy, deceased, late tax collector of Cherokee county, with amendment.

H. B. 77, S. B. 187, a bill to be entitled an act for the relief of the sheriff of Chatham county, with amendment.

H. B. 114, S. B. 182, a bill to be entitled an act in favor of George H. Mitchell, and recommended its reference to committee on claims. Report concurred in.

H. B. 49, S. R. 183, resolution in favor of A. S. Hill, sheriff of Cherokee county, with amendment.

H. B. 148, S. B. 192, a bill to be entitled an act to repeal chapter 42, laws of 1869 and 1870.

Mr. Graham, from the Committee on the Judiciary, reported back, with amendment, S. B. 40, a bill to be entitled an act to repeal certain parts of chapter 170, laws of 1868–769.

The rules were then suspended and the following bills were taken from the calander and disposed of, as follows:

H. B. No. 9, a bill to be entitled an act to establish burnt records, &c., in the county of Clay.

The bill was read and passed the second and third times. Yeas 29; Nays none.

Affirmative—Messrs. Adams, Albright, Barnett, Bellamy, Brogden, Cook, Crowell, Currie, Dargaa, Eppes, Fleming, Gilmer, Graham, Ledbetter, Linney, Love, Mauney, McClammy, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whitesides and Worth—29.

Negative-None.

S. B. 64, a bill to be entitled an act to incorporate the Wilmington and Ouslow Railroad Company. The bill was read the third time.

On motion of Mr. McClammy, the names of William McRae, Sol. Haas and S. A. Ashe, were added to the list of incorporators in the first section. The bill then passed the third time. Yeas 31; Nays 1.

Affirmative—Messrs. Adams, Albright, Battle, Bellamy, Brogden, Cook, Council, Crowell, Currie, Dargan, Eppes, Fleming, Gilmer, Graham, Hawkins, Hyman, Ledbetter, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell and Worth—31.

Negative—Mr. Love—1.

Stafford, sheriff of Guilford county, to collect arrears of taxes. The bill was read the third time, and on motion of Mr. Robbins, of Davidson, amended by adding following proviso to section 1: "and provided further, that the representatives of leceased persons shall be required to pay arrears of taxes." The bill then passed the third time. Yeas 30; Nays none.

Affirmative—Messrs. Adams, Albright, Beasley, Brogden, Crowell, Currie, Eppes, Fleming, Gilmer, Graham, Hawkins,

Hyman, King, Ledbetter, Linney, Love, Mauney, Merrimon, Moore, Morehead, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whitesides and Worth—30.

Negative—None.

H. B. 96, S. B., a bill to appoint a tax collector for Randolph county. The bill was read and passed the second and third times. Yeas 31; Nays none.

Affirmative—Messrs. Adams, Albright, Barnett, Bellamy, Brogden, Cook, Crowell, Currie, Dargan, Eppes, Fleming, Gilmer, Graham, Hyman, Jones, King, Ledbetter, Linney, Love, Mauney, McClammy, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whitesides and Worth—31.

Negative—None.

S. B. 107, a bill to be entitled an act to allow the commissioners of Orange county to levy a special tax. The bill was read the third time and passed. Yeas 32; Nays 3.

Affirmative—Messrs. Adams, Albright, Barnett, Bellamy, Brogden, Cook, Crowell, Currie, Dargan, Fleming, Gilmer, Graham, Jones, King, Ledbetter, Linney, Love, Mauney, McClammy, Merrimon, Moore, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren, Whitesides and Worth—32.

Negative—Messrs. Eppes, Hyman and Price—3.

S. B. 134, a bill to be entitled an act concerning debts contracted by municipal corporations. The bill was read the third time and passed. Yeas 28; Nays 1.

Affirmative—Messrs. Albright, Barnett, Brogden, Cook, Crowell, Currie, Dargan, Eppes, Fleming, Gilmer, Graham, Jones, Ledbetter, Linney, Love, Mauney, McClammy, Morehead, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren and Worth—28.

Negative-Mr. Hyman-1.

S. B. 135, a bill to be entitled an act to prohibit justices of the peace from practicing as Attorneys in certain cases.

The bill was read and passed the second and third times. Yeas 30; Nays none.

Affirmative—Messrs. Adams, Albright, Barnett, Brogden, Cook, Crowell, Currie, Dargan, Eppes, Fleming Gilmer, Graham, Hyman, Jones, Ledbetter, Linney, Love, Mauney, McClammy, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Waddell, Warren, Whitesides and Worth—30.

Negative--None.

S. B. 146, a bill to be entitled an act to repeal an act authorizing the commissioners of Jones county to levy a special tax, and also, an act to allow the county commissioners of Jones county to levy a special tax.

The bill was read second time and referred to committee on judiciary, on motion of Mr. Olds.

On motion of Mr. Morehead, the vote just taken was reconsidered.

Mr. Graham offered the following amendment:

Provided, That this act shall not be construed to repeal that portion of the act of 1869, which authorizes the commissioners of Jones county to levy a sufficient tax to pay for building and repairing the jail of said county.

Upon this the yeas and nays were demanded. The Senate agreed thereto, and the amendment did not prevail. Yeas 15; Nays 21.

Affirmative—Messrs. Barnett, Battle, Bellamy, Brogden, Gilmer, Graham, Hawkins, Jones, Ledbetter, Lehman, Linney, Morehead, Murphy, Olds and Waddell—15.

Negative—Messrs. Adams, Albright, Cook, Crowell, Currie, Dargan, Fleming, Hyman, Love, Mauney, McClammy, Merrimon, Moore, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Warren, Whitesides and Worth—21.

The bill was then read and passed the third time. Yeas 29; Nays 3,

Affirmative—Messrs. Adams, Albright, Battle, Brogden, Cook, Council, Crowell, Dargan, Fleming, Gilmer, Hyman, Ledbetter, Linney, Love, Mauney, McClammy, Merrimon, Moore, Norment, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren, Whitesides and Worth—29.

Negative-Messrs. Graham, Jones and Lehman-3.

Mr. King was excused from voting.

S. B. 175, a bill to be entitled an act for the benefit of Western North Carolina Railroad Company. The bill was read the second time.

Mr. Fleming moved to strike out the name of A. M. Erwin, and insert that of Thomas G. Walton. The motion did not

prevail.

Mr. Fleming moved to amend as section 5, the following: That the President and Treasurer elected by said board of directors shall give bond and sufficient security, to be adjudged by the board of directors, two-thirds concurring, and that at no time shall the Treasurer issue to the President more than one hundred thousand dollars, until the same be disposed of to aid in the completion of the road. The amendment prevailed and the bill passed second time.

The bill was then read and passed the third time. Yeas 39;

Nays 1.

Affirmative—Messrs. Adams, Albright, Battle, Cook, Council, Dargan, Eppes, Fleming, Gilmer, Graham, Hawkins, Hyman, Jones, Ledbetter, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whitesides and Worth—29.

Negative-Mr. Brogden-1.

H. R. 49, S. B. 183, resolution in favor of A. S. Hill, sheriff of Cherokee county. The bill was read second time.

The amendment offered by the Committee on Propositions and Grievances, was adopted and the bill passed the second time.

The bill was then read and passed the third time. Yeas 35; Nays none.

Affirmative—Messrs. Albright, Battle, Bellamy, Brogden, Cook, Council, Crowell, Currie, Dargan, Eppes, Fleming, Gilmer, Graham, Hawkins, Hyman, King, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, Moore, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whitesides and Worth—35.

Negative-None.

H. B. 100, S. B. 185, an act for the relief of John S. Johnston, sheriff of Rockingham county. The bill was read the second time.

The amendment offered by the Committee on Propositions and Grievances was adopted, and the bill passed the second time.

The bill was then read and passed the third time. Yeas 31; Nays None.

Affirmative—Messrs. Adams, Albright, Bellamy, Brogden, Cook, Council, Crowell, Currie, Fleming, Gilmer, Graham, Hawkins, Hyman, Jones, King, Lehman, Linney, Love, Manney, Moore, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell and Whitesides—31.

Negative-None.

S. B. 186, H. B. 88, a bill for the relief of the sureties of J. W. C. Pearcy, deceased, late tax collecter of Cherokee county.

The bill was read the second time and the amendment offered by the Committee on Propositions and Grievances was adopted.

The bill passed the second time.

The bill was read and passed the third time. Yeas 33; Nays none.

Affirmative.—Messrs. Adams, Battle, Bellamy, Brogden, Cook, Council, Currie, Dargan, Eppes, Fleming, Gilmer, Graham, Hawkins, Hyman, King, Ledbetter, Lehman, Linney, Love, Manney, McClammy, Moore, Morehead, Murphy, Olds,

Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whitesides and Worth—33.

Negative-None.

H. B. 77, S. B. 187, an act for the relief of the sheriff of Chatham county.

The bill was read the second time, amended by the adoption of the amendment offered by the Committee on Propositions and Grievances, and passed the second time.

The bill was then read and passed the third time. Yeas 32; Nays none.

Affirmative—Messrs. Adams, Albright, Battle, Brogden, Cook, Council, Crowell, Currie, Dargan, Eppes, Fleming, Graham, Hawkins, Hyman, King, Ledbetter, Lehman, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell and Whitesides—32.

Negative-None.

H. B. 152, S. B. 188, a bill in regard to Roderick McMillan, sheriff of Robeson county, was read second time, amended by the adoption of the amendment offered by the Committee on Propositions and Grievances and passed.

The bill was then read and passed third time. Yeas 32 Nays none.

Affirmative—Messrs. Albright, Battle, Bellamy, Brogden, Cook, Council, Crowell, Currie, Dargan, Eppes, Fleming, Gilmer, Graham, Hawkins, King, Ledbetter, Linney, Love, Mauney, McClammy, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell and Worth—32.

Negative—None.

H. B. 148, S. B. 192, an act to repeal chapter 42 of the laws of 1869–'70, and for other purposes.

The bill was read and passed the second and third times. Yeas 28; Nays 8.

Affirmative—Messrs. Adams, Albright, Battle, Bellamy, Cook, Council, Crowell, Dargan, Eppes, Fleming, Gilmer,

Jones, Lehman, Linney, Love, McClammy, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whitesides and Worth—28.

Negative—Messrs. Brogden, Graham, Hawkins, Hyman, King, Ledbetter, Mauney and Olds—8.

S. B. 193, a bill to amend section 3, chapter 122, private laws of 1869 and 1870. The bill was read second time.

Mr. Olds moved to strike out word January and insert May. The motion did not prevail, and the bill passed the second time.

The bill was then read and passed the third time. Ye is 33; Nays none.

Affirmative--Messrs. Adams, Albright, Bellamy, Brogden, Cook, Council, Crowell, Currie, Dargan, Eppes, Fleming, Gilmer, Graham, Hawkins, Hyman, Jones, King, Ledbetter, Lehman, Linney, Love, Mauney, Merrimon, Morehead, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell and Worth—33.

Mr. Jones moved to reconsider the vote by which the Senate, on yesterday, passed H. B. 180, S. B. 181, a bill in relation to the Keeper of the Capitol, on its several readings. The motion prevailed.

On motion of Mr. Jones, a message was sent to the House of Representatives returning H. B. 180, S. B. 181.

A bill in relation to the Keeper of the Capitol, and asking if the bill had been properly engrossed, in reply to which, a message was received from the House informing the Senate that the bill had not been properly engrossed, and then transmitting the bill correctly engrossed. The bill was then read and passed first time and placed on the calendar.

Leave of absence was granted to Mr. Battle from to-morrow until 3d January.

Leave of absence was granted to Mr. Cook from and after Friday next.

Mr. Troy moved that when this Senate adjourns it will adjourn until 7½ P. M. The motion did not prevail.

Mr. Currie, from the Committee on Engrossed Bills, report-

ed as correctly engrossed,

S. B. 175, a bill for the benefit of the Western North Carolina Railroad Company, which was transmitted to the House for concurrence.

A message was sent to the House, informing that body that the Senate refused to concur in the amendment adopted by the House to S. B. 51, a bill to be entitled an act to repeal an act entitled an act to extend the corporate limits of the town of Rutherfordton.

A message was sent informing the House of the passage of S. B. 67, an act to alter chapter VI, Revised Code, concerning the N. C. Institution for the Deaf, Dumb and Blind, and of the adoption of amendment to H. B. 86, S. B. 160, a bill to amend the charter of the town of Goldsboro', and asking the concurrence of the House therein.

The following bills, S. B. 188, S. B. 187, S. B. 183, S. B. 186, S. B. 185, S. B. 86, S. B. 175, S. B. 193, were ordered to be forthwith engrossed and transmitted to the House for concurrence.

Mr. Robbins, of Davidson, reported as correctly enrolled, the following acts:

An act concerning the city of Wilmington.

An act to fix the *per diem* and mileage of members and officers of the General Assembly of 1870-'71.

An act in relation to the special tax money in the Treasury. An act to repeal certain acts in relation to the town of Fayetteville, and to prescribe the qualification of voters in the municipal elections in said town.

An act for the relief of John Horton, sheriff of Watauga county.

An act to amend the charter of the town of Goldsboro'.

An act to extend the time for collecting and paying over the taxes for county purposes for the county of Martin. An act to provide for the removal of certain suits, actions and causes from one judicial district to another.

An act concerning inspectors in the city of Wilmington, which were duly ratified and transmitted to the Secretary of State.

On motion of Mr. Gilmer, the Senate adjourned until tomorrow morning 10 o'clock.

## TWENTY-EIGHTH DAY.

SENATE CHAMBER, December 22d, 1870.

The Senate met pursuant to adjournment.

Journal of yesterday was read.

On motion of Mr. Gilmer, leave of absence from to-morrow was granted to Mr. Linney until the 10th of January.

Mr. Crowell presented the petition of Annie E. Henderson, which was read and referred to the committee on the judiciary.

Mr. Lelman presented petition of the commissioners of Hyde, which was, on motion, laid on the table.

The following bills were introduced, read and passed the first time and referred, or otherwise disposed of, as follows:

By Mr. Lehman, a bill to be entitled an act to authorize the county commissioners of Hyde county to levy a special tax.

By Mr. Price, a bill to be entitled an act supplemental to an act concerning the city of Wilmington, ratified December —, 1870. Referred to the committee on corporations.

By Mr. Graham, a bill to be entitled an act in relation to vacancies occurring in county offices. Placed on the calendar.

By Mr. Norment, resolution in favor of B. A. Howell, late sheriff of Robeson. Referred to the committee on propositions and grievances.

By Mr. Olds, resolution in favor of Quenten Adams. Referred to committee on claims.

By a message from the House of Representatives: H. B. 195, a bill to be entitled an act to authorize the construction of a turnpike road from Malone and Wilson's store, in McDowell, county to Flat river, in the county of Buncombe. Referred to committee on public roads, rivers, ferries, bridges, &c.

Mr. Mauney introduced a joint resolution directing 10 copies of the Governor's message and of the Auditor's report be printed for each member of the General Assembly. The resolution, under a suspension of the rules, was adopted.

Under a suspension of the rules, the following bills and resolutions were considered and disposed of, as follows:

S. B. 58, a bill to be entitled an act to appoint commissioners to investigate alleged frauds in the disposition of bonds of this State, and the proceeds thereof issued to railroad companies since the first day of January, A. D. 1866, and for other purposes.

The bill was read the second time.

Mr. Lehman moved to amend by inserting 4 sections, to be designated as sections 6, 7, 8 and 9 respectively. The amendment was adopted-

The blank in first section was, on motion, filled with the names of David Coleman, Robert D. Johnson, Peter Adams and M. S. Robbins.

Mr. Graham moved to amend by striking out "any railroad company or companies in this State," and inserting "both Eastern and Western Division of Western North Carolina Railroad and Wilmington, Charlotte and Rutherford Railroad." The amendment prevailed.

Mr. Jones moved to add the following as an additional section: The commissioners in this act named shall report to the General Assembly at the next session, or during the present session, as in their discretion may seem proper. The amendment prevailed.

i, Mr. Morehead moved to add the following: Provided this act shall not apply to railroads in which the State has no interest.

Mr. Brogden moved to amend the amendment by striking out all after word roads, and inserting "in which the State had no interest on the first of January, 1866."

Upon this the yeas and nays were demanded. The Senate agreed thereto, and the amendment did not prevail. Yeas 9; Nays 21.

Affirmative-Messrs. Adams, Brogden, Hawkins, Hyman,

King, Lehman, Moore, Olds and Whitesides—9.

Negative—Messrs. Cook, Council, Crowell, Currie, Fleming, Gilmer, Graham, Jones, Linney, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Price, Robbins of Davidson, Skinner, Troy, Waddell and Worth—21.

The question then recurring upon the adoption of the amendment of Mr. Morehead, the amendment did not prevail.

The bill then passed its second reading and was read the third time.

Mr. Gilmer offered the following amendment to come in after Mr. Graham's amendment: The Atlantic, Tennessee and Ohio Railroad and the Chatham Railroad companies.

Mr. Jones moved to strike out of said amendment the words "The Atlantic, Tennessee and Ohio Railroad."

Upon this Mr. Brogden demanded the yeas and nays. The Senate agreed thereto and the amendment did not prevail. Yeas 6; Nays 23.

Affirmative—Messrs. Cook, Council, Currie, Fleming, Jones and Linney—6.

Negative—Messrs. Adams, Albright, Bellamy, Brogden, Gilmer, Graham, King, Ledbetter, Mauney, McClammy, Merrimon, Moore, Morehead, Murphy, Norment, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell Whitesides and Worth—23.

The amendment of Mr. Gilmer prevailed.

Mr. Troy moved to amend by striking out word "a majority" and inserting "any two." The amendment prevailed, and the bill passed its third reading and was ordered to be

forthwith engrossed and transmitted to the House of Representatives for concurrence. Yeas 31; Nays 1.

Affirmative—Messrs. Adams, Albright, Barnett, Bellamy, Brogden, Cook, Council, Crowell, Currie, Gilmer, Graham, Hawkins, Hyman, Jones, King, Ledbetter, Mauney, McClammy, Merrimon, Moore, Morehead, Murphy, Norment, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whitesides and Worth—31.

Negative-Mr. Fleming-1.

S. B. 147, a bill to be entitled an act to incorporate the Hebrew Benevolent Society of the city of Charlotte, N. C. The bill was read and passed the second and third times. Yeas 29; Nays none, and ordered to be forthwith engrossed and sent to the House of Representatives for concurrence.

Affirmative—Messrs. Adams, Albright, Bellamy, Brogden, Cook, Council, Currie, Fleming, Graham, Hawkins, Hyman, Jones, King, Ledbetter, Linney, Mauney, McClammy, Merrimon, Moore, Morehead, Murphy, Norment, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whitesides and Worth—29.

Negative-None.

S. B. 21, a bill to amend chapter 60, section 53, Revised Code. The bill was read and passed second and third times. Yeas 21; Nays 5.

Affirmative—Messrs. Adams, Albright, Brogden, Cook, Crowell, Currie, Fleming, Gilmer, Hyman, King, Ledbetter, Linney, Mauney, McClammy, Merrimon, Moore, Norment, Price, Troy, Whitesides and Worth—21.

Negative—Messrs. Bellamy, Graham, Murphy, Skinner and Speed—5.

H. B. 117, S. B. 204, a bill in relation to the Board of Commissioners of Iredell county. The bill was read and passed the second and third times. Yeas 27; Nays none.

Affirmative—Messrs. Adams, Albright, Bellamy, Brogden, Cook, Crowell, Currie, Fleming, Gilmer, Graham, Hyman, King, Ledbetter, Linney, Mauney, McClammy, Merrimon,

Moore, Murphy, Norment, Olds, Price, Skinner, Speed, Troy, Whitesides and Worth—27.

Negative---None.

A message was received from the House of Representatives informing the Senate of the passage of S. B. 16, a bill in relation to municipal elections, with the following amendments, and asking the concurrence of the Senate therein: After the word Washington in line 6, section 6, insert "Goldsboro"—

Provided, That nothing in the act shall be construed to apply to the town of Fayetteville, or to the city of Wilmington, and at the end of the clause insert the following: "And all officers who shall be elected in said towns of Washington or Goldsboro' at the election in January, 1871, shall continue to hold office until the regular election in May, 1872, Provided further, that in all cities and towns not specially excepted in this act, all persons now in office by virtue of any election, shall continue in office until the first general election in May, 1871.

The amendments were concurred in, and the bill ordered to be forthwith enrolled and ratified, which was accordingly done, and together with an act declaratory of the meaning of the act entitled an act to repeal certain acts passed at the session of 1868 and 1869, making appropriations to railroad companies, ratified 8th March, 1870, and for other purposes ratified this date, was transmitted to the Secretary of State.

A message was received informing the Senate that the House of Representatives had adopted S. R. 127, joint resolution to authorize the General Assembly to take a recess with accompanying amendment, and asking the concurrence of the Senate therein.

The question recurring upon a motion to concur, the further consideration thereof was postponed until to-morrow.

S. R. 131, resolution in regard to a system of Public Instrucion was taken up, read and passed.

Mr. Graham, from the committee to prepare and report rules, introduced a resolution for appointment of stenographer to

report proceedings of trial of W. W. Holden, which was read and laid over under the rules.

Mr. Currie, from Committee on Engrossed Bills, reported as correctly engrossed the following:

H. B. 152, S. B. 188, a bill to be entitled an act in regard to Roderick McMillan, sheriff of Robeson county.

H. B. 77, S. B. 187, a bill to be entitled an act for the relief of the sheriff of Chatham county.

H. B. 88, S. B. 186, a bill to be entitled an act for the relief of the sureties of J. W. C. Pearcy, deceased, late tax collector of Cherokee county.

H. B. 10 J, S. B. 185, a bill to be entitled an act for the relief of John S. Johnston, sheriff of Rockingham county.

H. B. 41, S. B. 183, resolution in favor of A. S. Hill, sheriff of Cherokee county, with accompanying amendments to each of said bills.

Also, S. B. 193, a bill to be entitled an act to amend section 3, chapter 122, private laws of 1869-'70.

. Which were sent to the House for concurrence.

S. R. 10, resolution in favor of M. A. Bledsoe, was taken up and read.

Mr. Brogden moved to lay it upon the table.

Upon this Mr. Graham demanded the yeas and nays. The Senate agreed thereto, and the motion did not prevail. Yeas 2; Nays 26.

Affirmative—Messrs. Brogden and King—2.

Negative—Messrs. Adams, Albright, Bellamy, Cook, Crowell, Gilmer, Graham, Hyman, Jones, Ledbetter, Mauney, McClammy, Merrimon, Moore, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whitesides and Worth—26.

Mr. King moved that the Senate do now adjourn. The motion did not prevail.

The President having announced the appointment of Mr. Gilmer, to fill the vacancy on the committee to prepare and report rules for the trial of an impeachment.

On motion of Mr. Robbins, of Davidson, the Senate adjourned.

#### TWENTY-NINTH DAY.

Senate Chamber, December 23rd, 1870.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Branson.

Journal of yesterday was read.

Mr. Merrimon introduced a memorial from William Smith, which was read and referred to the committee on claims.

Mr. Graham, from the Special Committee to prepare and report rules for the trial of an Impeachment, made the following report, which was concurred in by the Senate:

# RULES FOR THE GOVERNMENT OF THE IMPEACH-MENT TRIAL.

RULE II. The Principal Clerk of the Senate shall act as Clerk of the Court of Impeachment, and shall record the proceedings of the court in the same manner as the legislative proceedings of the Senate.

RULE III. The Doorkeeper of the Senate shall execute all

orders of the presiding officer and of the Senate, and he may employ such assistance as may be necessary for that purpose.

RULE IV. Counsel for the parties shall be admitted to appear and be heard upon an impeachment.

RULE V. Before proceeding to the trial on each day the following proclamation shall be made by the Doorkeeper of the Senate: O yes, O yes, O yes all persons are commanded to keep silence on pain of imprisonment, while the Senate of North Carolina is sitting for the trial of Articles of Impeachment against William W. Holden, Governor of North Carolina.

Mr. Allen made a verbal report in relation to the taking of depositions in the matter of the contested election from Granville county.

Mr. Cowles reported that in obedience to the order of the Senate, he had waited upon the Chief Justice of the State at his residence, and had notified him of the readiness of the Senate to be organized as a Court of Impeachment; that the Chief Justice had returned with him to this city and would be ready to meet the Senate at 12 M. this day.

On motion of Mr. Jones, a committee of two was raised to wait upon the Chief Justice and escort him at the hour designated to the Senate chamber.

Messrs. Jones and Lehman were appointed upon the committee.

On motion of Mr. Gilmer the organization of the Senate as a Court of Impeachment, was made the special order for 12 o'clock.

On motion of Mr. Graham the rules were suspended, and the resolution authorizing the employment of a stenographer on the impeachment trial was taken up, amended so as to make, it the duty of the principal clerk to employ a stenographer.

The resolution as amended was then adopted.

Bills and resolutions were then acted on as follows:

S. R. 218, resolution to pay traveling expenses of A. C.

C

Cowles and R. M. Pearson. Read and passed second and third times. Yeas 29; Nays 1.

Affirmative—Messrs. Adams, Allen, Bellamy, Brogden, Cook, Council, Crowell, Currie, Fleming, Gilmer, Graham of Orange, Hawkins, Jones, King, Lassiter, Ledbetter, Lehman, Mauney, McClammy, Merrimon, Moore, Morehead, Murphy, Norment, Robbins of Rowan, Skinner, Troy, Whitesides and Worth—29.

Negative---Mr. Robbins of Davidson.

The rules were surpended, and the resolution forthwith en grossed and transmitted to the House of Representatives for concurrence.

On motion of Mr. Robbins, of Davidson, the rules were suspended, and the Senate proceeded to consider the amendments proposed by the House to S. R. 127, concerning a recess.

Mr. Graham demanded a division of the question.

The question recurring first upon the amendment to strike out 11th January and insert 16th January,

Mr. Robbins, of Rowan, demanded the yeas and nays. The Senate agreed thereto, and the amendment was concurred in. Yeas 23; Nays 9.

Affirmative—Messrs. Adams, Allen, Brogden, Council, Cowles, Crowell, Eppes, Fleming, Hawkins, Hyman, King, Lassiter, Ledbetter, Lehman, McClammy, Merrimon, Moore, Morehead, Norment, Olds, Skinner, Troy and Worth—23.

Negative—Messrs. Bellamy, Currie, Graham of Orange, Jones, Mauney, Robbins of Davidson, Robbins of Rowan and Whitesides—9.

The question recurring upon the amendment to strike out 22d December and insert 24th December. The amendment prevailed.

S. B. 213, H. B. 195, a bill to be entitled an act to authorize the construction of a turnpike road from Malone and Wilson's store in McDowell county to Flat creek in the county of Buna combe. Read and passed second and third times. Yeas 30; Nays none.

Affirmative—Messrs. Adams, Allen, Bellamy, Brogden, Cook, Council, Cowles, Crowell, Currie, Fleming, Graham of Orange, Hawkins, Hyman, King, Lassiter, Ledbetter, Mauney, McClammy, Merrimon, Moore, Morehead, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Whitesides and Worth—30.

Negative-None.

S. R. 205, H. R. 128, resolution in regard to legal steps to be taken against George W. Swepson and M. S. Littlefield.

The rules were suspended, and the resolutions were read and adopted.

S. B. 282, a bill to be entitled an act to authorize S. A. Kelly, sheriff of Davie county, to collect arrears of taxes.

Mr. Morehead moved the following amendment, to come in at end of section 2d: "Nor shall the representatives of deceased persons be compelled to pay such arrears." The amendment prevailed, and the bill as amended, passed the second and third times. Yeas 27; Nays none.

Affirmative—Messrs. Adams, Bellamy, Brogden, Cook, Council, Cowles, Crowell, Currie, Fleming, Graham of Orange, Hawkins, Hyman, King, Lassiter, Ledbetter, Mauney, McClammy, Merrimon, Morehead, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Whitesides and Worth—27.

Negative-None.

A message was received from the House of Representatives transmitting H. R. 131, resolution to raise a Joint Select Committee on contingent expenses, which was read and adopted.

S. B. 117, H. B. 18, a bill to be entitled an act to allow enterers of vacant lands further time to obtain grants from the State. Read and passed second and third times. Yeas 30; Nays none.

Affirmative—Messrs. Adams, Allen, Brogden, Cook, Council, Cowles, Crowell, Eppes, Fleming, Graham of Orange, Haw-

kins, Hyman, King, Lassiter, Ledbetter, Mauney, McClammy Merrimon, Moore, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Whitesides and Worth—30.

Negative—None.

S. B. 217, a bill to be entitled an act in relation to vacancies occurring in county offices. Read and passed second and third times. Yeas 25: Nays 1.

Affirmative—Messrs. Adams, Brogden, Council, Cowles, Crowell, Currie, Gilmer, Hawkins, Jones, King, Lassiter, Ledbetter, Lehman, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Price, Robbins of Rowan, Skinner, Troy, Whitesides and Worth—25.

Negative----Mr. Moore.

S. R. 220, H. R. 132, resolution for payment of contingent expenses. Read and passed second and third times. Yeas 28; Nays none.

Affirmative----Messrs. Adams, Bellamy, Brogden, Cook, Cowles, Crowell, Currie, Fleming, Gilmer, Graham of Orange, Hawkins, Jones, Lassiter, Ledbetter, Lehman, Mauney, McClammy, Moore, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Whitesides and Worth---28.

Negative --- None.

The hour of 12 M., having arrived, the Senate took a recess to organize and sit as a court of impeachment.

The Court having adjourned, the Senate was called to order by the chair.

The committee on Enrolled Bills reported as correctly enrolled the following:

An act in relation to municipal elections.

An act in relation to burnt records in Clay county.

An act to define the powers and duties of the county commissioners of Iredell county, concerning a certain bridge in the county.

An act to authorize the county commissioners of Randolph county to appoint a tax collector.

An act to repeal chapter 42 of the public laws of 1869-'70, and for other purposes, which were duly ratified and transmitted to the Secretary of State.

The Senate then adjourned.

#### THIRTIETH DAY.

SENATE CHAMBER, December 24th, 1870.

The Senate met pursuant to adjournment.

The committee on Enrolled Bills reported as correctly enrolled the following:

Resolution in regard to legal steps to be taken against George W. Swepson and M. S. Littlefield.

Resolution to raise joint committee on contingent expenses.

An act to incorporate the Hebrew Benevolent Society of the city of Charlotte.

An act for the relief of the sheriff of Chatham county.

An act to authorize the construction of a turnpike road from-Malone and Wilson's store, in McDowell county, to Flat creek, in the county of Buncombe, which were ratified and transmitted to the Secretary of State.

On motion of Merrimon, the Senate then adjourned.

### THIRTY-FIRST DAY.

SENATE CHAMBER, January 16th, 1871.

The Senate met pursuant to adjournment.

The President, Hon. E. J. Warren, in the chair.

The roll was called and the following Senators answered to their names.

Messrs Albright, Beasley, Bellamy, Brogden, Currie, Dargan, Eppes, Fleming, Gilmer, Graham, King, Latham, Lehman, Linney, Love, Mauney, McCotter, Merrimon, Moore, Murphy, Olds, Price, Robbins of Davidson, Robbins of Rowan, Waddell, Warren and Whitesides—27.

The President declared a quorum present and the Senate ready to proceed to business.

On motion of Mr. Gilmer, James A. Graham, Senator elect from the 26th Senatorial District, was duly qualified.

Introduction of bills being in order, Mr. Linney introduced a bill to be entitled an act concerning cartain actions improperly commenced, which passed its first reading and was referred to the committee on the judiciary.

Mr. Gilmer introduced a bill to be entitled an act to charter the Citizens' Bank, which passed its first reading and was placed on the calendar.

Mr. Love introduced a bill to be entitled an act in relation to Justices of the Peace and Constables, which was passed its first reading and referred to the judiciary committee.

Mr. Graham, of Orange, introduced a resolution, requesting the Secretary of State to furnish the Senate with a certified copy of chapter 168, of the public laws of 1868–'69, which was adopted.

On motion of Mr. Gilmer, S. B. 38, entitled an act to consolidate the North Carolina Railroad and the North Western North Carolina Railroad Company, was made the special order for 11 o'clock Wednesday the 18th inst.

S. B. 42, in relation to the Poor House of Lincoln county, was read the third time and passed. Yeas 26; Nays 0.

Affirmative—Messrs. Albright, Beasley, Bellamy, Brogden, Currie, Dargan, Eppes, Fleming, Gilmer, Graham of Alamance, Graham of Orange, King, Latham, Lehman, Linney, Love, Mauney, McCotter, Moore, Murphy, Olds, Price, Robbins of Davidson, Robbins of Rowan, Waddell and Whitesides—26.

Negative-None.

S. B. 52, to amend the Inspection Law, was read third time, and on motion of Mr. Beasley was postponed until Monday the 23rd inst.

H. B. 104, S. B. 116, a bill to be entitled an act to supply a temporary deficiency in the Treasury, was read the third time.

Mr. Love moved to amend by inserting the words "at a rate of interest not exceeding 8 per cent per annum, which amendment was rejected.

The bill then passed its third reading. Yeas 26; Nays 0.

Affirmative—Messrs. Albright, Beasley, Bellamy, Brogden, Dargan, Eppes, Fleming, Graham of Alamance, Graham of Orange, King, Latham, Lehman, Linney, Love, Mauney, McCotter, Merrimon, Moore, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Waddell, Warren and Whitesides—26.

Negative-None.

S. B. 140, a bill to be entitled an act to fix the mileage and per diem of members of the General Assembly of 1870-'71, was read third time, and

On motion of Mr. Brogden, laid on the table.

S. B. 211, to authorize the county commissioners of Hyde county to levy a special tax, was read the third time.

Mr. Robbins, of Rowan, raised the point of order, that a quorum was not present, whereupon the roll was called and the following Senators answered to their names:

Messrs. Albright, Beasley, Bellamy, Brogden, Currie, Dargan, Eppes, Fleming, Gilmer, Graham of Alamance, Graham of Orange, King, Latham, Lehman, Linney, Love, Mauney, McCotter, Merrimon, Moore, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Waddell, Warren and Whitesides—27.

The President announced a quorum present, and the bill passed its third reading. Yeas 17; Nays 9.

Affirmative—Messrs. Beasley, Bellamy, Brogden, Currie, Dargan, Eppes, Fleming, Gilmer, Graham of Alamance, Gra-

ham of Orange, King, Latham, Lehman, Merrimon, Murphy, Robbins of Davidson, Warren and Witesides—17.

Negative—Messrs. Albright, Linney, Love, Mauney, McCotter, Moore, Olds, Robbins of Rowan and Waddell—9.

R. R, 103, S. R. 184, resolution in regard to stationery, was read third time, and

On motion of Mr. Love, was laid on the table.

H. R. 19, S. R. 162, to investigate the conduct of certain public officers who have had charge of public funds, was read third time, and

On motion of Mr. Mr. Robbins, of Rowan, was laid on the table.

H. R. 34, S. R. 94, resolution creating a school fund, was read and adopted.

H. R. 26, S. R. 165, resolution in favor of the sheriff of Stokes, was read second time and passed.

H. R. 28, S. R. 178, resolution in regard to an act to provide for the completion of the Western Division of the Western N. C. R., was read and adopted.

Mr. Graham, of Orange, was excused, at his own request, rom serving on the Committee on Penal Institutions.

H. R 99, S. R. 179, resolution in regard to printing, was ead, and

On motion of Mr. Gilmer, was postponed one week.

H. R. 46, S. R. 189, resolution concerning revenue, was ead and adopted.

Mr. Love introduced a resolution as to the meetings of the enate, which

Mr Murphy moved to amend so that the Senate shall meet t 9½ A. M., and adjourn at 2½ P. M. each day.

Mr. Robbins, of Rowan, moved to lay on the table the restution and amendment, which motion prevailed.

A message was announced from the Governor, inclosing entified copies of the preamble and resolutions adopted by ne National Immigration Convention, which assembled at

Indianapolis on the 23d of November, 1870, which were read and referred to the committee on agriculture.

Mr. Love moved a suspension of the rules, to take up S. B. 79, in relation to salaries and fees. The motion did not prevail.

On motion of Mr. Price, the Senate adjourned until to-mor row at 10 o'clock A. M.

## THIRTY-SECOND DAY.

SENATE CHAMBER, January 17th, 1871.

The Senate met pursuant to adjournment.

Journal of yesterday was read.

Mr. Latham, from the Committee on Claims, reported favorably on S. R. 149, resolution in favor of Hackney Pool, with amendments;

A memorial of R. S. Tucker, with the recommendation tha it be referred to the Judiciary Committee, and the Committe on claims be discharged from its further consideration, which was agreed to; and also,

A memorial from the Executors of the late Gov. Worth stating that \$2,000 was a fair rental for the Executive Mansion during the time between the 28th Dec., 1865, and the 4th of July, 1868

Mr. Latham, from the Fnance Committee, reported S. B. No. 32, a bill to be entitled an act to amend the Charter of the North Carolina Railroad Cipany, with the recommendation that it do not pass.

Mr. Currie, from the Committee on Engrossed Bills, reporte as correctly engrossed the following bills:

S. B. 64, a bill to be entitled an act to incorporate the Wilmington and Onslow Railroad Company;

S. R. 131, resolution in regard to a system of Public struction;

S. B. 21, a bill to be entitled an act to amend chapter, section 53, Revised Code, and,

S. R. 212, resolution to print Governor's Message.

The introduction of bills being in order.

Mr. Beasley introduced a bill for the relief of F. W. Bell, eriff of Bertie.

Upon motion of Mr. Beasley, the rules were suspended, and e bill passed the second time.

The bill was read the third time.

Mr. Gilmer moved to amend by adding to the first section: rovided, the said sheriff shall pay all costs heretofore incurred, d make his settlement within five days after the ratification this act, which was agreed to.

The bill as amended then passed its third reading. Yeas ; Nays none.

Affirmative—Messrs. Albright, Battle, Beasley, Brogden, buncil, Cowles, Crowell, Currie, Dargan, Eppes, Fleming, lmer, Graham of Alamance, Graham of Orange, Hawkins, cyman, King, Lassiter, Latham, Lehman, Linney, Love, Mauy, McCotter, Merrimon, Moore, Morehead, Murphy, Olds, ice, Robbins of Davidson, Waddell and Whitesides—33.

Negative-None.

Mr. Allen introduced a bill to be entitled an act declaray of the liability of sheriffs sureties, which was read and erred to the Judiciary Committee.

Mr. Morehead presented the credentials of Mr. Livingston own, as Senator elect from the 24th Senatorial District, who as duly qualified by the president.

Mr Allen submitted his report as

Mr. Allen submitted his report as commissioner to take tain depositions relative to the senatorial election in Granle and Person, which was read and referred to the Committon on Privileges and Elections.

Mr. Robbins, of Davidson, introduced a bill to be entitled act to empower the commissioners of Davidson county to

appoint a tax collector, which was read and passed first tim On motion of Mr. Robbins, the rules were suspended an the bill was read and passed the second and third time Yeas 36; Nays none.

Affirmative.—Messrs. Albright, Allen, Battle, Beasley, Beamy, Brogden, Brown, Council, Cowles, Crowell, Currie, Dagan, Eppes, Fleming, Gilmer, Graham of Alamance, Hawkin Hyman, King, Lassiter, Latham, Lehman, Linney, Love Mauney, McCotter, Merrimon, Moore, Morehead, Murph Price, Robbins, of Davidson, Robbins of Rowan, Troy, Wadell and Whitesides - 36.

Negative---None.

Mr. Eppes introduced a bill to be antitled an act to authorize the county commissioners of Halifax county to levy special tax, which was read and past first time and referred to the committee on propositions and grievances.

Mr. Merrimon introduced a bill to be entitled an act punish seduction, which was read and passed first time ar referred to the judiciary committee.

Mr. Gilmer introduced a bill to be entitled an act to repe chapter 76 private laws of 1869-'70, which was read at passed first time and referred to the judiciary committee.

Mr. Merrimon introduced a bill to be entitled an act prevent the gift or sale as a beverage of spirituous liquors habitual drunkards and infants under the age of eighter years, which was read and passed first time and referred to the judiciary committee.

Mr. Merrimon introduced a bill to be entitled an act repeal chapter 166 of the public laws of North Carolina, ra fied the 26th day of March, A. D. 1870, which was read at passed first time and referred to the committee on internal in provements.

Mr. Linney introduced a bill for the relief of the sheriff Alexander county, which was read and past first time.

On motion the rules were suspended, and the bill was re and passed second and third times. Yeas 30; Nays none.

Affirmativ—Messrs. Albright, Allen, Battle, Beasley, Belmy, Brogden, Council, Cowles, Crowell, Currie, Dargan, ppes, Fleming, Gilmer, Graham of Alamance, Hawkins, ing, Lassiter, Latham, Lehman, Linney, Mauney, McCotter, ferrimon, Moore, Morehead, Murphy, Robbins of Davidson, obbins of Rowan and Waddell—30.

Negative-None.

Mr. Robbins, of Rowan, introduced a resolution of inquiry neerning the State troops.

Mr. Olds moved to amend by adding "the same being deanded in part for the purpose of seeing how much taxation to be laid on the insurrectionary counties to reimburse the easury."

Mr. Love moved to amend the admendment by adding, the same being demanded in part for the purpose of seeing we far and to what extent the tax payers of the whole State we been outraged in a wicked scramble for political power," hich was rejected.

Mr. Robbins, of Rowan, called for the yeas and nays upon e amendment offered by Mr. Olds, and the call being susined, the amendment did not prevail. Yeas 2; Nays 33.

Affirmative-Messrs. Olds and Price.

Negative—Messrs. Albright, Allen, Battle, Brogden, Brown, Juncil, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Jaham of Alamance, Graham of Orange, Hawkins, Jones, ng, Lassiter, Latham, Lehman, Linney, Love, Mauney, Mctter, Merrimon, Moore, Morehead, Murphy, Robbins of vidson, Robbins of Rowan, Troy, Waddell and White-les—33.

Mr. Robbins called for the yeas and nays upon the adoption the resolution, and the call being sustained, the resolution s adopted. Yeas 36; Nays 1.

Affirmative—Messrs. Albright, Allen, Battle, Beasley, Broga, Brown, Council, Cowles, Crowell, Currie, Dargan, Eppes, eming, Gilmer, Graham of Alamance, Graham of Orange, wkins, Jones, King, Lassiter, Latham, Lehman, Linney, Love, Mauney, McCotter, Merrimon, Moore, Morehead, M phy, Olds, Robbins of Davidson, Robbins of Rowan, Tr Waddell and Whitesides—36.

Negative-Mr. Price.

Mr. Graham, of Orange, introduced a resolution allow Messrs. Edwards and Bradsher seats upon the floor of Senate, which was read and adopted.

Mr. Love introduced a resolution in relation to printi which was laid over under the rules.

Mr. Graham, of Orange, introduced a resolution request the Auditor to furnish certain reports, which was read a adopted.

A message was received from the House of Representati transmitting the following House bills:

H. B. 212, a bill to be entitled an act to regulate bail in a tain cases, which was read and passed first time and refer to the judiciary committee.

H. B. 64, a bill to be entitled an act to repeal an act entit an act to change part of the line that divides Burke as McDowell counties, which was read and passed first time a referred to the committee on propositions and grievances.

H. B. 139, a bill to be entitled an act to amend an entitled an act to create the bank of Statesville, which read and passed first time and reterred to the committee corporations.

A message was received from the Governor transmittin statement giving the names, offences and dates of conviction of eriminals pardoned, respited, or whose sentence has becommuted from the first day of January to the 31st day December, 1870, together with the causes influencing Executive in such case, the reading of which was dispensively upon motion of Mr. Murphy, and the message ordered be printed,

Mr. Love introduced a resolution in relation to daily sessi of the Senate.

Mr. Graham of Orange, moved to amend by striking

the last line, and insert "and also on Monday, Wednesday, and Friday, at 7 P. M.," which amendment was agreed to, and the resolution as amended was adopted.

Mr. Robbins, of Davidson, moved to take up S. B. 79, an act in relation to salaries and fees, which motion prevailed.

Section 7 was read.

Mr. Crowell moved to insert as an additional section between 6 and 7, the following, "the salary of the Superintendent of the Insane Asylum shall be eighteen hundred dollars per annum. The Assistant Superintendent of the Insane Asylum shall have a salary of twelve hundred dollars per year," which was rejected.

Mr. Albright offered as a substitute for section 7, the fol-

lowing:

guidinte.

That the annual salary of the Attorney General shall be fifteen hundred dollars, and the fees prescribed by law.

Mr. Jones offered to amend as follows:

The salary of the Attorney General shall be two thousand lollars, and he shall be entitled to no fees or other allowance.

Upon this amendment Mr. Love called for the yeas and nays, and the call being sustained the amendment did not prevail. Yeas 9; Nays 28.

Affirmative—Messrs. Allen, Beasley, Bellamy, Graham of Drange, Hyman, Jones, Lassiter, Lehman and Olds—9.

Negative—Messrs. Albright, Battle, Brogden, Brown, Counil, Cowles, Crowell, Currie, Dargan, Eppes, Fleming, Gilmer, Braham of Alamance, King, Latham, Linney, Love, Mauney, McCotter, Merrimon, Morehead, Murphy, Price, Robbins of Davidson, Robbins of Rowan, Troy, Waddell and Whiteides—28.

Mr. Graham, of Orange, moved to amend the amendment effered by Mr. Albright, by inserting "and allowance for atcending on the supreme court."

Upon which, Mr. Brogden demanded the yeas and nays. the Senate agreed thereto, and the amendment was adopted. cas 23; Nays 14.

Affirmative—Messrs. Allen, Beasley, Bellamy, Currie, Dargan, Eppes, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, Lassiter, Latham, Lehman, Merrimon, Murphy, Olds, Price, Robbins of Davidson, Robbins of Rowan, Troy and Waddell—23.

Negative—Messrs. Albright, Battle, Brogden, Brown, Council, Cowles, Crowell, King, Linney, Love, Mauney, Mc-

Cotter, Morehead and Whitesides—14.

The question being upon the adoption of the substitute for 7th section as amended, Mr. Brogden demanded the yeas and nays. The Senate agreed thereto, and the substitute was adopted. Yeas 25; Nays 11.

Affirmative—Messrs. Albright, Allen, Battle, Beasley, Council, Dargan, Eppes, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, Lassiter, Latham, Lehman, Mauney, Merrimon, Morehead, Murphy, Olds, Price, Robbins of Davidson, Robbins of Rowan, Troy and Waddell—25.

Negative—Messrs. Bellamy, Brown, Cowles, Crowell, Fleming, King, Linney, Love, McCotter and Whitesides—11.

A message was received from the House of Representatives that the House had concurred in Senate amendments to H. B. 100, in favor of John S Johnson, sheriff.

The President appointed Mr. Merrimon upon the Committee on Penal Institutions in the place of Mr. Graham, of Orange. The Senate then adjourned.

# THIRTY-THIRD DAY.

SENATE CHAMBER, January 18th, 1871.

Senate met pursuant to adjournment. Journal of yesterday was read.

Mr. Currie, from the Committee on Engrossed Bills, reported as correctly engrossed, the following:

S. B. 58, a bill to be entitled an act to appoint commissioners to investigate alleged frauds in the dispositions of bonds of this State, and the proceeds thereof, issued to railroad companies since the first day of January A. D. 1866, and for other purposes;

S. B. 42, a bill to be entitled an act in relation to the

poor house in Lincoln county;

S. B. 211, a bill to be entitled an act to authorize the County Commissioners of Hyde county, to levy a special tax;

S. B. 217, a bill to be entitled an act in relation to vaancies occurring in county officers;

Mr. Robbins, of Rowan, from the Committee on Internal Improvements, reported favorably on S. B. 138, a bill to be entitled an act to establish, and build the Whiteside Mountain Turnpike; and also on,

S. B. 138, a bill to be entitled an act in relation to the Western Turnpike Road.

Mr. Graham, of Orange, from the committee to prepare rules for the Court of Impeachment, reported the following additional rules, which were adopted:

RULE 7. The hour of the day at which the Senate shall sit upon the trial of an impeachment, shall be twelve o'clock M.; and when the time for such sitting shall arrive, the presiding officer of the Senate shall so announce, and thereupon the presiding officer upon such trial shall cause proclamation to be made and the business of the trial shall proceed until two o'clock and thirty minutes P. M. unless upon a motion, seconded by one if if the members present, the court shall determine to adjourn earlier or sit longer. The adjournment of the Senate sitting in said trial shall not operate as an adjournment of the Senate, but on such adjournment the Senate shall resume the consideration of its legislative business.

RULE 8. All motions made by the parties or their counsel shall be addressed to the presiding officer, and if he or any Senator shall require it, they shall be committed to writing and ead at the Clerk's desk.

Rule 9. The Reading Clerk of the Senate shall read all papers which may be sent to the Clerk's desk, and act as the deputy of the Principal Clerk, and assist in the performance of the duties prescribed for that officer.

RULE 10. Witnesses shall be examined by one person in behalf of the party introducing them, and then cross-examined by one person on the other side.

RULE 11. If a Senator is called as a witness he shall be sworn and give his testimony standing in his place.

RULE 12. It a Senator wishes a question to be put to a witness, or to offer a motion or order (except a motion to adjourn) it shall be reduced to writing and put by the presiding officer.

Rule 13. All preliminary or revolutionary question and all motions shall be argued for, not exceeding one-half hour on each side unless the Senate shall, by order, extend the time.

RULE 14. The case on each side shall be opened by one person. The final argument on the merits may be made by two persons on each side (unless otherwise ordered by the Senate upon application for that purpose) and the argument shall be opened and closed upon the part of the House of Representatives.

Rule 19. In taking the votes of the Senate upon the Articles of Impeachment, the Clerk will read the several articles successively and after the reading of each article, the Clerk will call the name of each Senator, who shall rise in his place, and thereupon the presiding officer put the following question: "Mr. —— how say you, is the respondent, William W. Holden, guilty or not guilty, as charged in —— article of impeachment?" Whereupon each Senator shall answer "guilty" or "not guilty."

RULE 20. The impeachment shall not, upon any of the articles presented, be sustained by the votes of two-thirds of the members present, a judgment of acquittal shall be entered, but if the person accused in such articles of impeachment shall be convicted upon any of said articles by the votes of two-thirds of the members present, the Senate shall proceed to pronounce

judgment, and a certified copy of such judgment shall be de posited in the office of the Secretary of State.

RULE 18. All the orders and decisions shall be made and had by yeas and nays upon the demand of one-fifth of the members present, and without debate, except upon a vote of a majority of the members present allowing discussion, and in that case, no member shall speak more than once on one question and for not more than five minutes upon an interlocutory question, and not more than ten minutes on the final question, unless by consent of the Senate, to be had without debate. But each Senator shall be permitted to file, within two days after the vote shall have been taken upon the articles of impeachment, his written opinion, to be printed with the proceedings.

RULE 15. If the Senate shall at any time fail to sit for the consideration of the articles of impeachment, on the day or hour fixed therefor, the Senate may, by an order, to be adopted without debate, fix a day and hour for resuming such consideration.

Rule 16. Witnesses shall be sworn in the following form: "You solemnly swear that the evidence you shall give in the case now depending between the State of North Carolina and William W. Holden, shall be the truth, the whole truth and nothing but the truth: So help you God." Which oath shall be administered by the Clerk of the Senate or other authorized person.

RULE 17. The following shall be the form of subpæna, which shall be issued upon the application of either of the parties or their counsel:

THE SENATE OF NORTH CAROLINA.

To Joseph J. Robertson, Greeting:

You are hereby commanded to summon

to appear before the Senate of North Carolina on the day of 1871, at the Senate Chamber in the city of Raleigh, then and there to testify his

knowledge in the cause which is before the Senate, and in which the House of Representatives have impeached William W. Holden.

Fail not, and make due return of the service of this subpœna.

Witness, WILLIAM L. SAUNDERS, Clerk of the Senate, at Raleigh, this day of 1871.

Clerk of the Senate.

Mr. Graham, of Orange, moved that the rules adopted by the Senate for conducting of the impeachment trial be engrossed and 100 copies be printed, and also, 100 copies of chapter 168, of public laws of 1868–'69, and that a copy of the rules and of chapter 168 be stitched together, which motion prevailed.

Mr. Graham, of Orange, introduced a resolution authorizing the Doorkeeper to obtain additional furniture for the Senate Chamber, which was adopted.

A message was sent to the House of Representatives, transmitting the following bills and resolutions, and asking the concurrence of that body in the same:

S. B. 64, a bill to be entitled an act to incorporate the Wilmington and Onslow Railroad Company;

S. R. 131, resolution in regard to a system of public instruction;

S. R. 212, resolution to print Governor's message;

S. B. 21, a bill to be entitled an act to amend chapter 60, section 53 Revised Code;

S. B. 225, a bill to be entitled an act for the relief of F. W. Bell, sheriff of Bertie.

Mr. Fleming introduced a bill entitled an act concerning the Deaf, Dumb and Blind, which passed its first reading and was referred to the committee on the deaf, dumb and blind.

Mr. Jones introduced a bill to be entitled an act to encourage immigration into North Carolina, and to increase the cap-

ital of the State, which passed its first reading and was referred to the judiciary committee.

Mr. McCotter introduced a bill to be entitled an act to authorize Wm. H. Perkins, tax collector of the county of Pitt, to collect arrears of taxes due the year 1865, which was read and passed first time.

On motion of Mr. McCotter, the rules were suspended, and the bill was read and passed the second and third times. Yeas 32; Nays 7.

Affirmative—Messrs. Battle, Bellamy, Brogden, Brown, Cook, Crowell, Dargan, Eppes, Fleming, Flythe, Gilmer, Graham of Orange, Hyman, Jones, King, Lassiter, Latham, Ledbetter, Lehman, Linney, Love, McClammy, McCotter, Merrimon, Moore, Norment, Price, Robbins of Davidson, Skinner, Waddell, Whitesides and Worth—32.

Negative—Messrs. Albright, Cowles, Currie, Graham of Alamance, Mauney, Murphy and Robbins of Rowan—7.

Mr. Murphy introduced a bill defining and amending the charter of the Wilmington North Carolina Life Insurance Company," which passed its first reading, and was referred to the committee on corporations.

Mr. Crowell introduced a bill to be entitled an act to provide for the election of a tax collector for Lincoln county, which was read and passed first time.

On motion of Mr. Crowell, the rules were suspended, and the bill was read and passed its second and third times. Yeas 40; Nays none.

Affirmative—Messrs. Albright, Allen, Battle, Bellamy, Brogden, Brown, Cook, Council, Cowles, Currie, Dargan, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Hawkins, Jones, King, Lassiter, Latham, Ledbeter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Murphy, Norment, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whitesides and Worth—40.

Negative-None.

The hour of 11 o'clock A. M. having arrived, the special

order, S. B. 38, a biil to be entitled an act to consolidate the North Carolina Railroad Company and the Northwestern North Carolina Railroad Company, was taken up and its consideration postponed until 11 A. M., Monday, 20th instant.

Mr. Fleming introduced a resolution in relation to Western Division of Western North Carolina Railroad Company, which was laid over under the rules.

On motion of Mr. Love, S. B. 141, a bill to be entitled an act in relation to the Western Turnpike Road, was taken up.

Mr. Love offered a substitute for the bill.

Mr. Merrimon offered as a substitute for sections 2 and 3: that all laws and parts of laws which authorize the county commissioners of Haywood county to erect any gate upon said road east of the ford of Pigeon river on said road, be and the same are hereby repealed.

Mr. Cowles moved to refer the whole matter to the committee on corporations, which motion did not prevail. The yeas and nays being ordered, on Mr. Merrimon's amendment, the amendment did not prevail. Yeas 17; Nays 22.

Affirmative—Messrs. Brown, Cowles, Dargan, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Lassiter, Latham, Merrimon, Moore, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Troy and Whitesides—17.

Negative—Messrs. Allen, Battle, Beasley, Brogden, Cook, Council, Crowell, Currie, Eppes, Flythe, Hyman, King, Lcd better, Linney, Love, McClammy, McCotter, Morehead, Murphy, Olds, Waddell and Worth—22.

Mr. Gilmer moved to postpone further consideration of the bill to Saturday the 21st inst., which motion prevailed.

The unfinished business, S. B. 79, a bill to be entitled an act in relation to salaries and fees was taken up. Section 8 was read.

Mr. Olds moved to amend by substituting six hundred dollars, which did not prevail. The section was adopted. Section 9 was read and adopted. Section 10 was read and adopted. Section 11 was read.

Mr. Graham, of Orange, moved to amend by striking out the words "term of the Superior Court they shall attend," and insert "week they shall be necessarily engaged in attendance upon the term of the Superior Court," in line 2. Upon this

Mr. Cowles demanded the yeas and nays. The Senate agreed thereto, and the amendment was rejected. Yeas 6; Nays 35.

Affirmative—Messrs. Bellamy, Brogden, Eppes, Graham of Orange, Hyman and Lassiter—6.

Negative—Messrs. Albright, Battle, Beasley, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Flythe, Gilmer, Graham of Alamance, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whitesides and Worth—35.

Section 11 was then adopted.

Mr. Robbins, of Rowan, effered the following amendment: That all laws and parts of laws in conflict with, or giving any compensation not included in the previsions of this act, are hereby repealed.

The amendment prevailed.

Mr. Gilmer moved to strike out the remaining sections of the bill, and to insert the following:

Section 13, This act shall be in force from and after its ratification.

And also to amend the title of the bill by adding thereto, the words, "of State officers."

The amendments prevailed.

Mr. Jones, called the previous question, and the call being sustained, the bill passed its second reading.

On motion of Mr. Robbins, of Rowan, the bill was read the third time.

Mr. Olds moved to amend section four, by striking out "\$1,250" and insert "\$1,500," which was rejected.

Mr. Murphy moved to strike out "fifty cents" in section five and insert "five hundred dollars,"

Mr. Cook, demanded the yeas and nays. The Senate agreed thereto, and the amendment did not prevail. Yeas 9; Nays 32.

Affirmative—Messrs. Allen, Battle, Brown, Graham of Alamance, Graham of Orange, Ledbetter, Murphy, Skinner and Whitesides—9.

Negative—Messrs. Albright, Beasley, Bellamy, Brogden, Cook, Council, Cowles, Currie, Dargan, Fleming, Flythe, Gilmer, Hawkins, Hyman, Jones, King, Lassiter, Latham. Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Norment, Price, Skinner, Troy, Waddell and Worth—32.

Mr. Allen called the previous question, and the call being ordered, the bill passed its third reading. Yeas 29; Nays 15.

Affirmative—Messrs. Albright, Allen, Brogden, Brown, Cook, Council, Cowles, Currie, Dargan, Fleming, Gilmer, Graham of Alamance, Jones, King, Latham, Ledbetter, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whitesides and Worth—29.

Negative—Messrs. Beasley, Bellamy, Eppes, Flythe, Graham of Orange, Hawkins, Hyman, Lassiter, Lehman, McCotter, Moore, Murphy, Norment, Olds and Price—15.

On motion of Mr. Latham, the memorial of the executors of the late Gov. Worth was re-committed to the committee on claims.

Mr. Norment introduced a bill to be entitled an act for the relief of R. McMillan, sheriff of Robeson county, which were read and passed first time.

The rules were suspended, and the bill was read and passed second and third time. Yeas 39; Nays 2.

Affirmative—Messrs. Albright, Allen, Beasley, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Flythe, Graham of Alamance, Graham of Orange, Haw-

kins, Hyman, Jones, Lassiter, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Norment, Olds, Price, Skinner, Troy, Waddell, Whitesides and Worth—39.

Negative-Messrs. Battle and Gilmer-2.

The bill was ordered to be engrossed forthwith and transmitted to the House.

On motion of Mr. Mauney, leave of absence was granted Mr. Robbins, of Rowan, and Mr. Robbins, of Davidson, until Monday the 23rd inst.

Mr. Merrimon, from the Committee on Enrolled Bills, reported as correctly enrolled, the following:

An act for the relief of John S. Johnston, sheriff of Rockingham county;

An act for the relief of F. H. Bell, sheriff of Bertie county; Senate resolution making request of the Secretary of State or certified copy of chapter 168, laws of 1868-'69.

A message was received from the House of Representatives ransmitting H. B. 105, a bill to be entitled an act to amend ection eight of an act in relation to punishment, chapter 167, public laws of North Carolina, 1868–'69, which was read and bassed first time.

On motion of Mr. Linney, the bill was made the special order for 10½ o'clock on Thursday the 19th inst.

Mr. Love introduced a bill to be entitled an act in relation of fees of county officers, which was read and passed first time, nd, on motion of Mr. Gilmer, was made the special order for o-night at 7 o'clock.

On motion of Mr. Gilmer, the Senate adjourned until 7 P. M.

### Wednesday, 7. P. M., January 18th, 1871.

Senate met pursuant to adjournment.

The special order, S. B. 243, a bill to be entitled an act in plation to fees of county officers, was taken up.

Mr. Love moved that the bill be read and considered by sections, which was agreed to.

Section 1 was read and adopted.

Section 2 was read.

Mr. Worth moved to strike out the word "three" and insert "one and a half."

Mr. McCotter moved to insert two and a half.

On motion of Mr. Graham, of Orange, the question was divided.

The question being upon striking out the word "three," Mr. Cook demanded the yeas and nays. The Senate agreed thereto, and the amendment was adopted. Yeas 22; Nays 14.

Affirmative—Messrs. Albright, Allen, Battle, Bellamy, Brown, Cook, Council, Cowles, Crowell, Curric, Dargan, Fleming, Flythe, Latham, Linney, Mauney, McCotter, Murphy, Norment, Skinner, Whitesides and Worth—22.

Negative—Messrs. Beasley, Brogden, Eppes, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Ledbetter, Love, McClammy, Merrimon and Waddell—14.

Mr. Jones moved to insert "two and two-thirds," which did not prevail.

The amendment offered by Mr. McCotter to insert "two and one half" was adopted.

Mr. Norment moved to strike out all after the word "disbursements," which did not prevail.

The section as amended was then adopted.

Section 3 was read and adopted.

Section 4 was read.

Mr. Love offered a substitute, which was adopted.

Section 5 was read.

Mr. Merrimon offered to amend as follows: Line 3 strike out 50 and insert 40; line 6 strike out 60 and insert 50; line 7 strike out 25 and insert 15; line 10 strike out 30 and insert 15; line 12 strike out 15 and insert 10.

A division of the question was called for, and the first nendment was adopted.

On the second amendment, Mr. Gilmer moved to insert one llar instead of 50 cents, which was rejected, and the amendent was adopted.

The remaining amendments were rejected.

On motion of Mr. Graham, of Orange, the vote by which the tendments were rejected was reconsidered, and the amendants were adopted.

Mr. Gilmer moved to add an additional paragraph, as fol-

Sec. 7. And for all other services the same fees as are lowed sheriffs for similar services, which was adopted.

The section as amended was adopted.

Section 6 was read.

Mr. Cowles moved to strike out all after "jurors" in 8th e, which was agreed to, and the section so amended was opted.

Section 7 was read.

Whereupon Mr. Cowles moved to strike out the section.

Mr. Graham, of Orange, moved to insert \$500, which was ected.

Mr. Cowles' amendment did not prevail.

Section 7 was then adopted.

Section 8 was read.

Mr. McClammy moved to strike out paragraph 1, and insert the fees of the Register of Deeds shall be as follows," which s rejected. The section was adopted.

Section 9 was read.

Ir. Merrimon offered a substitute.

dr. Graham moved to strike out line 17, which was agreed

Ir. Cowles moved to insert in Mr. Merrimon's substitute or muster, nor pay poll tax," which was adopted.

Ir. Linney demanded the year and nays upon the substi-

tute so amended. The Senate agreed thereto, and the sul stitute was adopted. Yeas 17; Nays 16.

Affirmative—Messrs. Albright, Battle, Bellamy, Coo Council, Cowles, Crowell, Currie, Linney, Latham, McClanmy, McCotter, Merrimon, Murphy, Norment, Price ar Whitesides—17.

Negative—Messrs. Beasley, Brogden, Brown, Dargan, Eppe Flythe, Gilmer, Graham of Alamance, Graham of Orang Jones, King, Ledbetter, Love, Mauney, Skinner and Wadde—16.

The question recurring upon the adoption of the section amended,

Mr. Linney moved to amend as fotlows: "And provide further, That they shall, when acting as members of the Boar of Township Trustees, receive the fees now prescribed law," which did not prevail.

Mr. Love moved to amend as follows: 2. No man shall elected a justice of the peace, unless he can read and writhis own name."

Mr. Graham, of Alamance, moved that the further consideration of the bill be postponed, and made special order for o'clock to-morrow, which was agreed to.

On motion of Mr. Cowles, the Senate adjourned until morrow at 10 A. M.

### THIRTY-FOURTH DAY.

SENATE CHAMBER, January 19th, 1870.

The Senate met pursuant to adjournment.

Journal of yesterday was read.

Mr. Fleming, from the Committee on Public Library, repo ed favorably with amendments,

- S. B. 194, a bill to be entitled an act in relation to the Pub-Library.
- Mr. Currie, from the Committee on Engrossed Bills, reportas correctly engrossed,
- S. B. 226, a bill to be entitled an act for the relief of the eriff of Alexander county.
- S. B. 248, bill to authorize Wm. H. Perkins, tax collector Pitt county to collect taxes due for the year 1866.
- S. B. 246, a bill to be entitled an act for the relief of R. Mcillan, sheriff of Robeson county.
- S. B. 236, a bill to be entitled an act to empower the comssioners of Davidson county to appoint a tax collector.
- Mr. Love, from the Committee on Propositions and Grieves, reported favorably with amendments,
- 3. B. 237, a bill to be entitled an act to authorize the councommissioners of Halifax county to levy a special tax, and 3. B. 199, a bill to be entitled an act to authorize the councommissioners of Edgecombe to levy a special tax.
- Mr. Dargan introduced a bill in relation to the Wilmington, arlotte and Rutherford Railroad, which was read and passed at time, and referred to the committee on internal improvents.
- Mr. Crowell introduced a bill to charter the Catawba Valley ilroad, which was read and passed first time, and referred to committee on internal improvements.
- Ir. Fleming introduced a bill to authorize the Treasurer to agents in certain cases, which was read and passed first e, and referred to the judiciary committee.
- Ir. Love introduced a bill in relation to town lots in the on of Franklin, N. C., which was read and passed first time, referred to the judiciary committee.
  - I. B. 105, S. B. 245, a bill to be entitled an act to amend ion eight, of an act in relation to punishment, chapter 167, clic laws of N. C., 1868-'69, being the special order, was an up.
  - Ir. Linney moved to amend by inserting the word "or"

before the word "imprisonment," and the words "or both after imprisonment in second section.

The amendment prevailed.

Mr. Love called the previous question. The Senate sustain the call. The question recurring upon the passage of the b Mr. Brogden demanded the yeas and nays. The Senate agre thereto, and the bill passed its second reading. Yeas? Nays 6.

Affirmative—Messrs. Albright, Allen, Battle, Beasley, B lamy, Brown, Cook, Council, Cowles, Crowell, Currie, Darga Fleming, Flythe, Gilmer, Graham of Alamance, Graham Orange, Hawkins, Hyman, Jones, Lassiter, Latham, Ledbett Linney, Love, Mauney, McClammy, McCotter, Merrim Moore, Morehead, Murphy, Norment, Skinner, Troy, Wadd and Worth—37.

Negative—Messrs. Brogden, Eppes, King, Lehman, Olds a Price—6.

The bill was then read and passed the third time. Yeas ? Nays 6.

Affirmative—Messrs. Albright, Allen, Battle, Beasl Brown, Cook, Council, Cowles, Crowell, Currie, Darg Fleming, Flythe, Gilmer, Graham of Alamance, Graham Orange, Hawkins, Hyman, Jones, Lassiter, Latham, Ledb ter, Linney, Love, Mauney, McClammy, McCotter, Merrim Moore, Morehead, Murphy, Norment, Skinner, Troy, Wdell, Whitesides and Worth—37.

Negative—Messrs. Brogden, Eppes, King, Lehman, O and Price—6.

Ordered to be engrossed forthwith and transmitted to House of Representatives for concurrence.

A message was sent to the House of Representatives tramitting the following:

S. B. 217, a bill to be entitled an act in relation to vaccies occurring in county offices;

S. B. 211, a bill to be entitled an act to authorize the coucommissioners of Hyde county to levy a special tax; S. B. 42, a bill to be entitled an act in relation to the poor house in Lincoln county;

S. B. 58, a bill to be entitled an act to appoint commissioners to investigate alleged frauds in the disposition of bonds of this State, and the proceeds thereof issued to R. R. Companies since 1st day of January, A. D. 1866, and for other purposes;

S. B. 248, a bill to be entitled an act to authorize Wm. H. Perkins, tax collector of the county of Pitt, to collect arrears

of taxes due the year 1866, and

S. B. 246, a bill to be entitled an act for the relief of R. McMillan, sheriff of Robeson county, and asking the concurrence of the House therein.

A message was received from the Governor transmitting a communication concerning the Penitentiary Commission, which was read, and on motion of Mr. Graham, of Orange, referred to the Committee on Penal Institutions, with instructions to inquire what legislation is necessary in the premises, and report by bill or otherwise.

A message was sent to the House transmitting H. B. 105, B. 245, with amendments thereto, adopted by the Senate, and asking the concurrence of the House in the same.

On motion of Mr. Love, the special order for 1 o'clock, 3. B. 243, a bill to be entitled an act in relation to fees of county officers, was taken up. The amendment pending, being the one offered by Mr. Love, was read.

Mr. Love moved to lay the amendment on the table, and

pon this

Mr. Hyman demanded the yeas and nays. The Senate greed thereto, and the motion to lay upon the table did not prevail. Yeas 11; Nays 28.

Affirmative—Messrs. Allen, Beasley, Eppes, Flythe, Hyman, King, Ledbetter, Lehman, Moore, Olds and Price—11.

Negative—Messrs. Albright, Battle, Brogden, Cook, Counil, Cowles, Crowell, Currie, Dargan, Fleming, Graham of lamance, Graham of Orange, Jones, Latham, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Murphy, Norment Skinner, Troy, Waddell, Whitesides and Worth—28.

The amendment was then rejected.

The question recurring upon the adoption of the section, Mr. Mauney demanded the yeas and nays. The Senate agreed thereto, and the section was not adopted. Yeas 13; Nays 23.

Affirmative—Messrs. Battle, Brogden, Cook, Currie, Fleming, Latham, McClammy, McCotter, Merrimon, Murphy, Norment, Troy and Whitesides—13.

Negative—Messrs. Beasley, Brown, Cowles, Dargan, Eppes, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Ledbetter, Lehman, Linney, Love, Mauney, Moore, Olds, Price, Skinner, Waddell and Worth—23.

Mr. Graham, of Alamance, offered an amendment to come in as section 9 of the bill.

On motion of Mr. Love, the amendment was considered by paragraphs.

The first paragraph was read and adopted.

The amendment offered by Mr. Norment to strike "twenty" and insert "ten" having been rejected.

Paragraph 2 was adopted.

The amendment offered by Mr. Norment to strike out "ten" and insert "one" having been rejected.

Paragraph 3 was read and adopted.

The amendment offered by Mr. Linney to strike out "twenty" and insert "ten" having been rejected.

Paragraph 4 was adopted, after substituting ten for eight.

Mr. Norment moved to amend paragraph 5, by striking out "forty" and inserting "twenty."

The amendment did not prevail.

The paragraph was then adopted.

Paragraphs 6 and 7 were adopted.

Paragraph 8 was adopted after having been amended, on motion of Mr. Murphy, by striking out "thirty" and inserting "twenty."

Paragraphs 9, 10, 11 and 12 were adopted.

On motion of Mr. Jones, paragraph 13 was stricken out.

Paragraphs 14, 15, 16, 17 and 18 were adopted.

The amendment as amended then prevailed.

Section 10 was read.

Mr. Love offered a substitute for the section.

In the 4th paragraph of the substitute, Mr. Murphy moved to fill up the blank with the word "twenty," which did not prevail.

Mr. Moore moved to insert "ten," which was adopted.

The substitute was then adopted as section 10.

Section 11 was read, and paragraphs 1, 2, 3 and 4, were adopted.

On motion of Mr. King, in paragraph 5, "one dollar" was stricken out, and 50 cents inserted.

Mr. Graham, of Orange, offered to amend paragraph 1, as tollows: "And no other allowance for any additional names inserted or copies of summons issued," which was adopted.

Paragraph 6 was read.

On motion of Mr. Lehman, the words "and the judgment of the Clerk be confirmed on the appeal," were stricken out, and the paragraph as amended was adopted.

On motion of Mr. Graham, of Orange, the following additional was inserted as paragraph 10.

Transcript of judgment, 25 cents.

Paragraph 11 was adopted.

In paragraph 12, Mr. Graham, of Orange, moved to strike out "five," and insert "twenty-five." The motion did not orevail.

Mr. Mauney moved to strike out paragraph 12, which motion id not prevail, a quorum not voting.

On motion of Mr. Hyman, the Senate adjourned until tocorrow at 10 A. M.

#### THIRTY-FIFTH DAY.

SENATE CHAMBER, January 20th, 1871.

The Senate met pursuant to adjournment. Journal of yesterday was read.

Mr. Moore, from the Committee on Corporations, reported favorably S. B. 244, a bill to be entitled an act defining and amending the charter of the Wilmington North Carolina Life Insurance Company.

Mr. Graham, of Orange, moved that two Senators be appointed on the Committee on Enrolled Bills, to supply vacancies occasioned by absence of two of the members thereof.

The motion prevailed, and the President appointed Messrs. Norment and King.

Mr. Currie, from the Committee on Engrossed Bills, reported as correctly engrossed, the following:

S. B. 249, a bill to be entitled an act to provide for the election of a tax collector for Lincoln county, and S. B. 79, a bill to be entitled an act in relation to salaries and fees of State officers.

Mr. Dargan introduced a bill to be entitled an act amenda tory of an act entitled proceedings in *habeas corpus*, ratified the sixth day of April, 1869, which passed its first reading, and was referred to the judiciary committee.

Mr. Jones introduced a bill to be entitled an act to amend an act entitled an act authorizing the incorporation of Home stead and Building Associations in this State, which passed it first reading, and was referred to the committee on corporations.

Mr. Jones introduced a bill to be entitled an act to amere an act entitled an act to incorporate the Atlantic, Tennesse and Ohio Railroad Company, which passed its first reading and was referred to the committee on corporations.

Mr. Graham, of Alamance, introduced a bill to be entitle

an act to amend an act entitled an act concerning the settlement of the estates of deceased persons, ratified on the sixth day of April, 1869, which passed its first reading, and was reterred to the judiciary committee.

Mr. Latham introduced a bill to be entitled an act to incorporate the Roanoke and Tar River Railroad Company, which passed its first reading, and was referred to the committee on internal improvements.

Mr. Latham introduced a resolution in favor of M. L. Wiggras, which was read and referred to the committee on claims.

Mr. Skinner introduced a bill to be entitled an act to amend an act entitled an act for the better government and regulation of the town of Hertford in Perquinans county, which passed its first reading, and was referred to the committee on corporations.

Mr. Latham introduced a resolution concerning the Swamp Lands of Hyde, Tyrrell and Washington, which was read and adopted.

A message was sent to the House of Representatives transmitting S. B. 236, a bill to be entitled an act for the relief of the sheriff of Alexander county, and S. B. 236, a bill to empower the commissioners of Davidson county to appoint a tax collector.

The special order, S. B. 38, a bill to be entitled an act to consolidate the North Carolina Railroad Company and the North Western North Carolina Railroad Company, was taken up.

The bill was read the third time.

The substitute offered by Mr. Merrimon, was read.

Mr. Graham, of Orange, moved to amend the bil as follows: In section 2, line 11, after the words "said Companies" insert "to the amount of \$200,000." In section 3, line 6, strike out words "and fifty." In section 4, line 2, strike out "shall" and insert "may," and in line 3, strike out "its" and insert "a."

Mr. McClammy moved to amend Mr. Graham's amend-

ment by inserting in section 4, line 4, after the words "Greensboro', N. C." the words "to Egypt, Chatham county, N. C., and from Greensboro', N. C. to," which was adopted, and the amendment as amended prevailed.

Mr. Fleming moved to postpone the further consideration of the bill, and to recommit it to the judiciary committee.

The motion did not prevail.

The question recurring on the adoption of the substitute offered by Mr. Merrimon,

Mr. Love demanded the yeas and nays. The Senate agreed thereto, and the substitute was rejected. Yeas 5; Nays 37.

Affirmative--Messrs. Fleming, Hawkins, Hyman, Love and Merrimon-5.

Negative—Messrs. Adams, Albright, Allen, Battle, Beasley, Bellamy, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Eppes, Gilmer, Graham of Alamance, Graham of Orange, Jones, King, Latham, Ledbetter, Lehman, Linney, Mauney, McClammy, McCotter, Moore, Morehead, Murphy, Olds, Price, Skinner, Troy, Waddell, Whitesides and Worth—37.

Mr. Cowles called the previous question.

Mr. Fleming moved that the Senate do now adjourn.

Upon this, Mr. Gilmer demanded the yeas and nays. The Senate agreed thereto, and the motion did not prevail. Yeas 13; Nays 28.

Affirmative—Messrs. Albright, Beasley, Bellamy, Eppes, Fleming, Flythe, Hawkins, Hyman, King, Linney, Mauney, Norment and Waddell—13.

Negative—Messrs. Adams, Battle, Brogden, Brown, Cook, Cowles, Crowell, Currie, Dargan, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Ledbetter, Lehman, Love, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Olds, Skinner, Troy, Whitesides and Worth—28.

Upon the call for the previous quostion,

Mr. Beasley demanded the yeas and nays. The Senate

agreed thereto, and the main question was ordered to be now put. Yeas 23; Nays 19.

Affirmative—Messrs. Adams, Allen, Battle, Brown, Cook, Cowles, Crowell, Currie, Dargan, Graham of Orange, Jones, King, Latham, Lehman, McClammy, Moore, Morehead, Norment, Olds, Skinner, Waddell, Whitesides and Worth—23.

Negative—Messrs. Albright, Beasley, Bellamy, Brogden, Council, Eppes, Fleming, Flythe, Gilmer, Hawins, Hyman, Ledbetter, Linney, Love, Mauney, McCotter, Merrimon, Price and Troy—19.

The bill as amended then passed its third reading. Yeas 42; Nays 19.

Affirmative—Messrs. Adams, Albright, Allen, Brogden, Brown, Cook, Council, Cowles, Currie, Dargan, Gilmer, Graham of Alamance, Graham of Orange, Jones, King, Lehman, Love, McClammy, Moore, Morehead, Olds, Skinner, Troy and Worth—24.

Negative—Messrs. Battle, Beasley, Bellamy, Crowell, Eppes Flening, Flythe, Hawkins, Hyman, Latham, Ledbetter, Linney, Mauney, McCotter, Merrimon, Norment, Price, Waddell and Whitesides—19.

Mr. Norment, from the Committee on Enrolled Bills, reported as correctly enrolled, an act for the relief of Roderick Me-Millan, sheriff of Robeson county, which was ratified and transmitted to the Secretary of State.

A communication was received from the Secretary of State transmitting a certified copy of chapter 168, laws of 1868-69, proceedings upon impeachment.

A message was received from the House of Representatives transmitting

H. B. 198, S. B. 67, a bill to be entitled an act to alter chapter VI, of the Revised Code, concerning the N. C. Institution for the Deaf, Dumb and Blind, with the following amendment, to wit: Strike out the name of A. S. Merrimon, and insert the name of Charles M. Busbee, which amendment was concurred in.

On motion of Mr. Love, leave of absence was granted to Mr. McCotter until Monday.

On motion of Mr. King, leave of absence was granted to Mr. Brogden for one day.

Mr. McClammy, from the Committee on Penal Institutions, reported a bill to be entitled an act for the relief of the Penitentiary, which was read and passed the first time, and under a suspension of the rules, was made the special order for 7½ o'clock to-night.

On motion of Mr. Skinner, the Senate adjourned until 7 P. M.

# SENATE CHAMBER, 7 P. M., January 20th, 1870.

The Senate met pursuant to adjournment.

A messsage was announced from the House of Representatives requesting the Senate to return to that body H. R. 94, concerning the University, which, on motion of Mr. Graham, was consented to; also transmitting H. B. 142, relative to the sale of lands by the commissioners of the town of Marion, in McDowell county, which was read and passed first time and referred to the committee on propositions and grievances.

Also informing the Senate that the House had concurred in Senate amendments to H. B. 105, S. B. 245, H. B. 47, to incorporate North Carolina Railroad and Manufacturing Company, which was passed first time and referred to the committee on corporations.

Mr. Latham introduced a bill to be entitled an act to authorize and empower the government of the United States to purchase and hold lands in North Carolina for the purpose of erecting light houses thereon, which passed its first reading.

On motion of Mr. Latham, the rules were suspended, and the bill passed its second reading.

Mr. Jones moved to amend by inserting following additional proviso:

And provided also, That the title to said land so conveyed to the United States shall revert to the last grantor unless the construction of a light house thereon be completed thereon within ten years from the date of the conveyance from said grantor.

Mr. Whitesides moved to strike out the word "revert" and insert the word "escheat," and also to strike out the words "last grantor" and insert the word "State." The amendments prevailed, and the bill was read and passed the third time. Yeas 36; Nays none.

Affirmative—Messrs. Adams, Albright, Beasley, Bellamy, Brogden, Brown, Cook, Conneil, Crowell, Currie, Dargan, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, King, Latham, Ledbetter, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Olds, Price, Skinner, Troy, Waddell, Whitesides and Worth—36.

Negative-None.

Ordered to be engrossed forthwith and transmitted to the House of Representatives.

Mr. Love moved to reconsider the vote upon the final passage of S. B. 38, a bill to be entitled an act to consolidate the North Carolina Railroad Company and Northwestern North Carolina Railroad Company.

Mr. Graham of Orange, moved to lay this motion on the table.

Upon this motion, the yeas and nays were demanded. The Senate agreed thereto, and the motion to lay on the table did not prevail. Yeas 14; Nays 24.

Affirmative—Messrs. Adams, Brown, Cook, Cowles, Dargan, Gilmer, Graham of Alamance, Graham of Orange, Jones, Morehead, Olds, Skinner, Troy and Worth—14.

Negative—Messrs. Beasley, Bellamy, Brogden, Council, Crowell, Currie, Flythe, Hawkins, Hyman, King, Lassiter, Latham, Ledbetter, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Murphy, Norment, Price, Waddell and Whitesides—24.

The question recurring on the vote to reconsider,

Mr. Merrimon demanded the yeas and nays. The Senate agreed thereto, and the motion prevailed. Yeas 20; Nays 18.

Affirmative—Messrs. Albright, Beasley, Bellamy, Brogden, Crowell, Fleming, Flythe, Hawkins, Hyman, King, Lassiter, Latham, Ledbetter, Love, Mauney, McClammy, McCotter, Merrimon, Murphy and Waddell—20.

Negative—Messrs. Adams, Brown, Cook, Council, Cowles, Currie, Dargan, Gilmer, Graham of Alamance, Graham of Orange, Jones, Linney, Morehead, Norment, Olds, Skinner, Troy and Worth—18.

On motion of Mr. Olds, the bill was made the special order for 10½ o'clock, Tuesday the 24th inst.

S. B. 265, a bill to be entitled an act for the relief of the Penitentiary, being the special order, was then taken up and read second time.

Mr. Mauney moved to amend by striking out all of section 1st, after the word provided, in line 9. The amendment did not prevail. The bill then passed its second reading.

On motion of Mr. Jones, the bill was read and passed the third time. Yeas 36; Nays none.

Affirmative—Messrs. Adams, Albright, Beasley, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, King, Lassiter, Latham, Ledbetter, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Skinner, Troy, Waddell, Whitesides and Worth—36.

Negative-None.

Ordered to be engrossed forthwith and transmitted to the House for concurrence.

On motion of Mr. Hyman, the Senate adjourned until tomorrow at 10 o'clock.

#### THIRTY-SIXTH DAY.

SENATE CHAMBER, January 21, 1871.

The Senate met pursuant to adjournment.

Journal of yesterday was read.

Mr. Gilmer, from the Judiciary Committee, reported adversely upon the following bills:

S. B. 238, a bill to be entitled an act declaratory of the liability of sheriffs' sureties;

H. B. 212, S. B. 241, a bill to be entitled to an act to reguate bail in certain cases.

Mr. Jones, from the Judiciary Committee, reported adversely upon S. B. 235, a bill to be entitled an act to punish seduction,

And favorably on H. B. 160, S. B. 190, a bill to be entitled in act for the general relief of Sheriffs.

Mr. Latham presented a memorial from the pilots and citizens f Ocracoke and vicinity, asking a change of the law regulating pilots, which was read and referred to the committee on ropositions and grievances, with instructions to report by bill r otherwise.

Mr. Merrimon, from the Committee on Internal Improvezents, reported favorably on S. B. 256, in relation to the Willington, Charlotte and Rutherford Railroad.

Mr. Dargan, from the Committee and the Judiciary, reported worably on the following bills:

S. B. 195, a bill to be entitled an act to compel the Preslents and Directors of the several Railroads in the State to count with their successors in office for the property and fects of said companies; And S. B. 202, a bill to be entitled an act to amend section 47, chapter 93 of the laws of 1868-'69;

And adversely upon S. B. 230, a bill to be entitled an act to amend certain acts in respect to Bank bills being received in payment of judgments in certain cases.

Mr. Currie, from the Committee on Eugrossed Bills, reported as correctly engrossed,

S. B. 265, a bill to be entitled an act for the relief of the Penitentiary; and,

S. B. 266, a bill to be entitled an act to authorize and empower the government of the United States to purchase and hold lands in North Carolina for the purpose of erecting Light Houses thereon.

On motion, Mr. Merrimon was excused from serving on the Committee on Enrolled Bills, and Mr. Brown was appointed in his place.

On motion of Mr. Barnett, H. B. 160, S. B. 190, a bill to be entitled an act for the general relief of sheriffs, was taken up and put upon its several readings.

The bill was read the second time.

Mr. Barnett moved to amend as follows, in section one line three, insert the following words, "or their legal representatives." The amendment prevailed.

Mr. Gilmer moved to amend by inserting at the end of section one the words: " *Provided further*, That no executor or administrator shall be compelled to pay such arrears of taxes. The amendment prevailed.

The bill as amended passed its second reading.

Mr. Love moved to amend as follows, the bill having been read the third time, by adding the words, "or believes the same to have been paid." The amendment prevailed, and the bill as amended passed its third reading. Yeas 36; Nays none.

Affirmative—Messrs. Adams, Allen, Barnett, Battle, Beasley, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Lassiter, Latham, Ledbet-

ter, Linney, Love, Mauney, McClammy, Merrimon, Moore, Morehead, Murphy, Olds, Skinner, Troy, Waddell and White-sides—36.

Negative—None.

The unfinished business, S. B. 243, a bill to be entitled an act in relation to salaries and fees of county officers was taken

Paragraph 2, section 11, was read and adopted.

Paragraphs 13, 14 and 15, were read and adopted.

In paragraph 16, Mr. Skinner moved to strike out 25 cents and insert one dollar. The amendment did not prevail.

Mr. Graham, of Alamance, moved to insert 50 cents. The amendment did not prevail.

Paragraph 6 was adopted.

Paragraphs 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27 were adopted.

In paragraph 28, on motion of Mr. McClammy, the words "of a cause" were inserted.

Paragraphs 29, 30, 31, 32, 33 and 34 were adopted.

On motion of Mr. Graham, of Orange, the following paragraph was added:

"35, auditing final settlements of executors, administrators, guardians and other trustees, required to return accounts one-fourth of one per cent. of the amount on which commissions are allowed to such trustees, is not over \$1000." On amounts over \$1000, and not over \$5000, one sixth of one per cent.; on amounts over \$5000, one-tenth of one per cent., but in no instance to exceed \$15.

On motion of Mr. Gilmer, was added as an additional paragraph, the following:

"36, for any other service required by law for which no fee is herein specified, twenty-five cents." The section as amended was then adopted.

Section 12 was read and adopted.

Section 13 was read and adopted.

Mr. King moved to strike out the words "or upon any inquest or examination," in line 3. The motion prevailed. Mr. Linney moved to amend by adding the following proviso:

Provided, That witnesses before Magistrates' Courts shall receive fifty cents per day in civil cases.

The amendment prevailed.

Mr. Murphy moved to amend as follows:

Provided further, That experts when compelled to attend and testify out of the county in which they reside, shall be allowed such compensation and mileage as the court may in its discretion order.

The amendment prevailed. The section as amended was then adopted.

On motion of Mr. Love, section 14 was stricken out. Section 15 was read and adopted.

Section 16 was read.

Mr. Love moved to amend as follows: Insert in line 5, before the word "laws," the words "and chapter 147;" insert in line 9, after the word "with," the words "or giving any other fees than those described in." The amendments prevailed. The section as amended was adopted.

The bill then passed its second reading, and on motion of Mr. Love, was ordered to its third reading.

Mr. Graham, of Alamance, moved to amend section 4 by adding the following additional paragraphs:

22. For summoning and qualifying appraisers and for performing all duties in laying off homesteads and personal property exemptions, or either, \$1, to be included in the bill of costs.

23. For Levying an attachment \$1.

24. For attendance to qualify jurors and to lay off dowers, of Commissioners to lay off year's allowance, 75 cents, and for

attendance to qualify commissioners for any other purpose, 75 cents.

- 25. Executing a deed for land, or any interest in bonds sold under execution, \$1 to be paid by the purchaser.
  - 26. Service of writ of ejectment, \$1.
- 27. For every execution, either in civil or criminal cases, 50 cents.

The amendments prevailed.

Mr. Latham moved to amend section 12, line 6, by adding the words "Superior Court" after the word "the." The amendment prevailed.

Mr. King moved to amend as follows: in section 11, add as an additional paragraph, the following:

16. For ordering the registration of any deed, or other written instrument, which has been proved in any other county, 25 cents. The amendments prevailed.

Mr. Gilmer moved the following amendment: strike out paragraph one, in section 11, and insert "for every original writ of summons, or other original leading process, and no additional allowance for any names inserted, \$1; and for any duplicate thereof, 25 cents. The amendment prevailed.

Mr. Love moved an amendment to come in as section 14.

The amendment prevailed.

Mr. Merrimon called the previous question. The Senate sustained the call, and the bill passed its third reading. Yeas 33; Nays 8.

Affirmative—Messrs. Adams, Albright, Battle, Brown Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Jones, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Olds, Troy, Waddell, Whitesides and Worth—33.

Negative—Messrs. Allen, Beasley, Bellamy, Eppes, Flythe, Hyman, Moore and Price—8.

A message was sent to the House of Representatives informing that honorable body that the Senate had passed

S. B. 249, a bill to be entitled an act to provide for the election of a tax collector for Lincoln county;

S. B. 79, a bill to be entitled an act in relation to salarie and fees of State officers;

S. B. 265, a bill to be entitled an act for the relief of the Penitentiary;

Also, returning H. R. 293, concerning the University;

Also, transmitting H. B. 105, S. B. 245, bill to amend section 8 of an act in relation to punishment, chapter 167, publi laws of N. C. 1868-'69, and informing the House of the concurrence of the Senate in the House amendment thereto;

Also, S. B. 266, to authorize and empower the governmen of the United States to purchase and hold lands in Nortl Carolina for the purpose of erecting Light Houses thereon.

A message was received from the House of Representative informing the Senate that the House had passed S. B. 265, bill to be entitled an act for the relief of the Penitentiary, with the following amendments:

Section 1, strike out six thousand, and insert \$15,000; and strike out all of section 1, after the word "provided" in line 11 of said section. The amendments were concurred in by the Senate.

Mr. Norment, from the Committee on Enrolled Bills, report ed as correctly enrolled the following bills, which were ratified by the President:

An act to alter chapter 6, of the Revised Code, concerning the N. C. Institution for the Deaf, Dumb and Blind;

Resolution asking Representatives of Congress to use their influence to amend the 14th section of the bankrupt law;

An act to empower the county commissioners of Davidsor county to appoint a tax collector;

An act to allow enterers of vacant land further time to obtain grants from the State;

A resolution in reference to an act to provide for the completion of the Western Division of the Western N. C. R. R. ratified March 24th, 1870;

An act to allow legal representatives of John Turner, late sheriff of Orange county, and of Logan H. Lorance, late sheriff of Lincoln, to collect arrears of taxes in 1868–'69-'70;

A resolution for the relief of A. Murray, sheriff of Alamance county,

An act to incorporate the Independent Hook and Ladder Company No. 2, of the city of Charlotte;

An act to allow the commissioners or other municipal authority of any city or town or incorporated village, to try and hold real estate for the purpose of a Cemetery;

Resolution requesting aid of Congress in creating a Literary Fund;

An aet to supply a temporary deficiency in the Treasury.

Resolution concerning Internal Revenue on tobacco and spirituous liquors;

An act for the relief of the Sheriff of Alexander county.

On motion of Mr. Dargan, S. B. 256, a bill to be entitled an act in relation to the Wilmington, Charlotte and Rutherford Railroad, was taken up and read second time.

Mr. Whitesides moved the following amendment to come in after the 1st section, in the following manner, to-wit:

"One half of the proceeds of the said five hundred thousand (500,000) dollars of first mortgage bonds, directed to be delivered to said company by the provisions of this oath shall be applied by the president and directors to the construction and completion of the eastern division of said road, consisting of that part of said road between the city of Wilmington and the city of Charlotte, and one, half to the construction and completion of the western division of said road, consisting of that a part of said road west of the city of Charlotte."

Mr. Merrimon moved an amendment to the amendment in the nature of a substitute, as follows:

"Section 5, that a sufficient amount of the proceeds of the said first mortgage bonds, shall be used on the western division of said Road, to complete it to the town of Shelby, in the county of Cleaveland.

Mr. Cook moved to postpone the further consideration of the bill, and make it the special order for  $10\frac{1}{2}$  A. M., Wednesday next, which motion did not prevail.

Mr. Allen called the previous question, and the Senate sustained the call.

The substitute offered by Mr. Merrimon was adopted, and the bill as amended passed its second reading.

The bill was read the third time and passed. Yeas 34; Nays 4.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Cook, Council, Cowles, Crowell, Currie, Dargan, Eppes, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, Ledbetter, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Olds, Price, Skinner, Troy, Waddell, Whitesides and Worth—34.

Negative-Messrs. Beasley, Flythe, King and Moore-4.

Mr. McClammy moved to reconsider the vote by which the bill passed its third reading, and moved to lay the motion on the table The motion prevailed.

A message was received from the House of Representatives transmitting a resolution instructing the Governor to offer a reward for M. S. Littlefield, together with a message from the Governor relating to the same subject, which was read and passed first time.

Also, H. B. 217, a bill to be entitled an act to incorporate the Warrenton Railroad Company, which was read first time and passed and referred to committee on internal improvements.

Also H. B. 168, a bill to be entitled an act to authorize the commissioners of Clay county to levy a special tax for certain purposes, which was read and passed first time and referred to judiciary committee;

And H. B. 213, a bill to be entitled an act to make a fail ure to work on public roads a misdemeanor, which was read and passed first time and referred to committee on judiciary.

Mr. Mearimon moved to take up House resolution authorizing

the Governor to offer a reward for the arrest of M. S. Little-field.

Upon this Mr. Murphy demanded the yeas and nays. The Senate agreed thereto, and the motion prevailed. Yeas 32; Nays none.

Affirmative—Messrs. Allen, Beasley, Brown, Cook, Cowles, Crowell, Dargan, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Lassiter, Latham, Ledbetter, Linney, Love, Mauney, McClammy, Merrimon, Moore, Morehead, Murphy, Norment, Olds, Skinner, Waddell and Whitesides—33.

Negative-None.

The resolution was read second time.

Mr. Love moved to amend by striking out "five" and inserting "one." The amendment did not prevail.

Mr. Jones called the previous question.

Mr. Fleming demanded the yeas and nays. The Senate agreed thereto, and the main question was ordered to be now put, and the resolution passed its second reading. Yeas 38; Nays none.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Beasley, Bellamy, Brown, Cook, Council, Cowles, Currie, Dargan, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, Lassiter, Latham, Ledbetter, Linney, Love, Mauney, McClammy, Merrimon, Moore, Morehead, Murphy, Norment, Price, Skinner, Troy, Waddell, Whitesides and Worth—38.

Negative—None.

The resolution was then read the third time and passed. Teas 31; Nays none.

Affirmative—Messrs. Adams, Albright, Beasley, Bellamy, Brown, Cook, Council, Cowles, Dargan, Fleming, Flythe, Giller, Graham of Alamance, Graham of Orange, Jones, Lassier, Latham, Ledbetter, Linney, Love, Mauney, McClammy, Herrimon, Morehead, Murphy, Norment, Skinner, Troy, Wadell, Whitesides and Worth—31.

Negative--None.

Mr. Morehead moved for leave of absence for Mr. McClammy from Tuesday next until Monday 30th, which was granted.

On motion of Mr. Troy, the Senate adjourned until Monday at 10 A. M.

### THIRTY-SEVENTH DAY.

SENATE CHAMBER, January 23d, 1871.

The Senate met pursuant to adjournment, Mr Jones in the chair.

Journal of Saturday was read.

Mr. McClammy presented a memorial from certain citizens of New Hanover county, which was read and referred to the committee on propositions and grievances.

Mr. Currie presented a petition from citizens of Bladen county, which was read and referred to the committee on propositions and grievances.

Mr. Merrimon, from the Judiciary Committee, reported favorably on

H. B. 217, S. B. 27, a bill to be entitled an act to incorporate the Warrenton Railroad Company.

On motion of Mr. Hyman, the rules were suspended, and the bill was read the third time and passed. Yeas 41; Nays none.

Affirmative—Messrs. Adams, Albright, Allen, Barnett, Battle, Beasley, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Lassiter, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, Moore, Morehead, Norment, Olds,

Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell and Worth—43.

Negative-None.

Affirmative—Messrs. Adams, Albright, Allen, Barnett, Battle, Beasley, Bellamy, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, Lassiter, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Troy and Waddell—41.

Negative-None.

On motion of Mr. Hyman, the bill was made the special order for to-morrow at 1½ o'clock.

Mr. Love introduced a bill to be entitled an act to consolidate certain Railroads, and for other purposes, which was read and passed first time, and placed on the calendar and ordered to be printed.

Mr. Dargan introduced a bill to be entitled an act in reference to contracts made before the 1st June, 1865, which passed its first reading, and was referred to the judiciary committee.

Mr. Norment introduced a bill to be entitled an act to change the line between the counties of Bladen, Columbus and Robeson, which passed its first reading, and was referred to the committee on propositions and grievances.

A message was received from the House of Representatives informing the Senate that the House had concurred in the passage of S. P. 103, to raise a Joint Committee on Public Ferries, Bridges and Roads.

Also, transmitting H. B. 118, a bill to be entitled an act to authorize Jesse C. Griffith to collect arrears of taxes, and returning

S. B. 64, a bill to be entitled an act incorporating Wilmington and Onslow Railroad Company, with amendments,

changing ratification clause, which amendment was concurred in.

On motion of Mr. Brown, H. B. 118 was put on its several readings, and passed on the third reading. Yeas 43; Nays none.

Mr. Speed introduced the following resolution, which was adopted.

"Resolved, That the Committee on Privileges and Elections be allowed to set during the regular sessions of the Senate, from "to-day until the contested elections now pending before the Senate are reported upon and settled."

Mr. Gilmer introduced a bill to be entitled an act to amend section 23, chapter 37, Revised Code, entitled Deeds and Conveyances," which passed its first reading and was referred to the judiciary committee.

Mr. Allen introduced a bill to be entitled an act to authorize the Superior Courts to grant divorces in certain cases, which passed its first reading and was referred to the judiciary committee.

Mr. Cook introduced a bill to be entitled an act to incorporate the town of Wilkesborough, in the county of Wilkes, which passed its first reading and was referred to the committee on corporations.

Mr. Cook introduced a bill to be entitled an act on Usury, which passed its first reading and was referred to the judiciary committee.

Mr. Currie introduced a bill to be entitled an act to change the line between Bladen and Columbus, which passed its first reading and was referred to the committee on propositions and grievances.

Mr. Price introduced the following resolution, which was adopted.

Resolved, That the Clerk be instructed to have a printed calendar laid upon the desks every Monday morning.

The unfinished business, S. B. 52, a bill to be entitled an act to amend the Inspection Law, was taken up and read third time, and, on motion of Mr. Latham, was laid on the table.

On motion of Mr. Love, it was ordered that 5 copies of the report of the Secretary of State be printed for the use of each Senator.

Mr. Robbins, of Davidson, from Committee on Enrolled Bills, reported as correctly enrolled, the following:

An act to repeal sections 7 and 8 of an act in relation to punishment, chapter 167, public laws of North Carolina, 1868-'69;

An act to authorize and empower the government of the United States to purchase and hold lands in North Carolina for the purpose of erecting light houses;

An act to suspend the Code of Civil Procedure, in certain cases, and

An act for the relief of the Penitentiary, which were ratified and transmitted to the Secretary of State.

Mr. Gilmer introduced a bill to be entitled an act relative to the Public Lands, which passed its first reading and was referred to the committee on education.

On motion of Mr. Gilmer, the Senate adjourned until 7 P. M.

# SENATE CHAMBER, 7 P. M., January 23rd, 1871.

The Senate met pursuant to adjournment.

Mr. Jones in the chair.

Mr. Currie, from the Committee on Engrossed Bills, reported as correctly engrossed, S. B. 256, a bill to be entitled an act in relation to Wilmington, Charlotte and Rutherford Railroad, which was transmitted to the House for concurrence.

H. R. 26, S. R. 165, resolution in favor of the sheriff of Stokes, was read third time and passed. Yeas 29; Nays none.

Affirmative—Messrs. Adams, Albright, Battle, Beasley, Brown, Cook, Council, Crowell, Currie, Eppes, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, Latham, Ledbetter, Love, Mauney, McClammy, McCotter, Merrimon, Murphy, Norment, Robbins of Davidson, Troy, Waddell and Worth—29.

Negative-None.

Bills on second reading were disposed of, as follows:

S. B. 197, was read second time and passed.

On motion of Mr. Lehman, the rules were suspended, and the bill read a third time and passed. Yeas 35; Nays none.

Affirmative—Messrs. Adams, Albright, Barnett, Battle, Beasley, Bellamy, Brown, Cook, Council, Crowell, Currie, Dargan, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, Latham, Ledbetter, Lehman, Love, Mauney, McClammy, McCotter, Merrimon, Murphy, Norment, Olds, Robbins of Davidson, Troy, Waddell and Worth—35.

Negative-None.

S. B. 196, read second time and passed.

S. B. 3, read second time, and on motion of Mr. Olds, was indefinitely postponed;

S. B. 6, read second time, and on motion of Mr. Murphy, was laid on the table;

S. B. 8, read second time and passed;

S. B. 9, read second time and passed;

On motion of Mr. Merrimon, the rules were suspended and the bill passed its third reading. Yeas 37; Nays none.

Affirmative—Messrs. Adams, Albright, Barnett, Battle, Beasley, Bellamy, Brogden, Brown, Council, Cowles, Crowell, Currie, Dargan, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, Latham, Lehman, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Troy, Waddell and Worth—37.

Negative-None.

S. B. 11, read second time, and, on motion of Mr. Love, was laid on the table.

S. B. 14, read second time, and, on motion of Mr. Olds, was indefinitely postponed.

S. B. 12, read second time, and, on motion of Mr. Gilmer, was indefinitely postponed.

S. B. 15, read second time and passed.

S. B. 23, read second time, and, on motion of Mr. Merrimon, indefinitely postponed.

S. B. 25, was read second time.

Mr. Bellamy presented a petition from citizens of Edgecombe objecting to the passage of the bill.

The question recurring upon the passage of the bill, Mr. Bellamy demanded the yeas and nays. The Senate agreed thereto, and the bill was rejected. Yeas 9; Nays 25.

Affirmative—Messrs. Council, Fleming, Graham of Orange, Jones, Merrimon, Murphy, Skinner, Troy and Waddell—9.

Negative—Messrs. Adams, Albright, Battle, Beasley, Bellamy, Brogdeu, Cook, Currie, Eppes, Flythe, Gilmer, Graham of Alamance, Hawkins, Hyman, Latham, Ledbetter, Lehman, Love, Mauney, McClammy, McCotter, Morhead, Robbins of Davidson and Robbins of Rowan—25.

Mr. Hyman moved to reconsider the vote by which the bill was rejected, and moved to lay that motion on the table, which latter motion did not prevail.

On motion of Mr. Graham, of Orange, the motion to reconsider was made the special order for  $7\frac{1}{2}$  o'clock, Thursday week.

Mr. Love introduced the following resolution, which was adopted:

Resolved, That the committee on military affairs be requested to prepare, at an early day, an old fashioned militia bill, repealing all acts passed since June 1st, 1861.

S. B. 36, was read second time and laid on the table.

S. B. 40, was read second time. The amendments offered by the committee prevailed, and the bill passed second time.

S. B. 41, read second time and passed.

Mr. Love moved to suspend the rules and take up S. B. 40, and S. B. 41. The motion prevailed.

S. B. 40, was read third time.

Mr. Murphy moved to add the following: "Prvided, that the board shall be a llowed their traveling expenses for attending one annual meeting." The amendment prevailed. The bill as amended then passed third time. Yeas 34; Nays none.

Affirmative—Messrs. Adams, Albright, Battle, Beasley, Bellamy, Brogden, Brown, Cook, Council, Crowell, Currie, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Jones, Latham, Ledbetter, Lehman, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy and Waddell—34.

Negative-None.

S. B. 41, was read third time. The substitute offered by the committee was adopted, and the bill passed the third time. Yeas 32; Nays none.

Affirmative—Messrs. Adams, Albright, Battle, Bellamy, Brogden, Brown, Cook, Council, Crowell, Currie, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Jones, Latham, Ledbetter, Lehman, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy and Waddell—32.

Negative --- None.

On motion of Mr. Fleming, the Senate adjourned until tomorrow at 10 A. M.

### THIRTY-EIGHTH DAY.

SENATE CHAMBER, January 24th, 1871.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Atkinson.

Journal of yesterday was read.

Mr. Ledbetter, from Committee on the Deaf, Dumb and Blind Asylum, reported

S. B. 251, a bill to be entitled an act concerning the Deaf, Dumb and Blind, with the recommendation that it do pass.

Mr. Lehman, from the Committee on the Judiciary, reported

S. B. 221, a bill to be entitled an act concerning actions improperly commenced, with recommendation that it do not

Mr. Skinner introduced a bill to be entitled an act to incorporate the Perquimans Saving's Bank, in the town of Hertford, North Carolina, which was read first time, passed at d referred to the committee on corporations.

The hour of 10½ o'clock A. M. having arrived, the special order for that hour, to wit:

S. B. 38, a bill to be entitled an act to consolidate the North Carolina Railroad Company and the North Western North Carolina Railroad Company, was taken up on its third reading.

Mr. Council moved to amend the bill by inserting the following additional section:

Be it further enacted, That the road chartered as the North Western North Carolina Railroad, shall be compelled, within the term of five years from the passage of this act, otherwise the consolidation herein provided shall not take place, but the said roads shall remain separate and distinct as they now are, and it is also provided, that every dollar subscribed to the capital stock of the North Western North Carolina Railroad, shall be paid in cash, or its equivalent, and the said amounts shall be used towards the construction of the said road to the western boundary of the State line of Tennessee and North Carolina.

Mr. Love moved to amend the amendment by striking out the word "five" and inserting the word "three."

On motion of Mr. Price, its turther consideration was postponed, and the bill made the special order for to-morrow at  $10\frac{1}{2}$  o'clock A. M.

A message was received from the House of Representatives notifying the Senate that the House had agreed upon a replication to the answer filed by Governor William W. Holden, to the articles of impeachment exhibited against him, and that the managers on the part of the House would present said replication at the bar of the Senate at 12 o'clock.

A message was received from the House of Representatives transmitting the following bills for concurrence of the Senate:

H. B. 115, a bill to be entitled an act to regalize the acts of Justices of the Peace of Brunswick county;

H. B. 225 a bill to be entitled an act to change the time for holding courts in the ninth judicial district;

H. B. 270, a bill to be entitled an act to extend the time for the registration of grants, deeds and other conveyances, which was read and passed the first time, and placed on calendar.

Mr. Linney introduced a bill to be entitled an act concerning the jurisdiction of Justices of the Peace, in certain cases, which was read and passed the first time, and referred to the committee on the judiciary.

Mr. Norment introduced a resolution in favor of Benjamin Λ. Howell, late sheriff of Robeson county, which was read and passed the first time and referred to committee on finance.

The hour of 12 M. having arrived, the Senate took a recess to sit as a Court of Impeachment.

The court having adjourned, the Senate was called to order by the presiding officer, pro tem, Mr. Jones. Mr. Gilmer moved to reconsider the vote by which S. B. 38, bill to be entitled an act to consolidate the North Carolina ailroad Company and the North Western North Carolina ailroad Company, was made the special order for to-morrow orning at 10½ o'clock.

Upon this question, Mr. Merrimon demanded the yeas and ys. The Senate agreed thereto, and the motion did not preil. Yeas 17; Nays 26.

Affirmative—Messrs. Adams, Albright, Barnett, Bellamy, bok, Cowles, Currie, Dargan, Gilmer, Graham of Alamance, baham of Orange, Jones, Morehead, Norment, Robbins of widson, Robbins of Rowan and Worth—17.

Negative—Messrs. Battle, Beasley, Brogden, Brown, Counl, Eppes, Fleming, Flythe, Hawkins, Hyman, King, Latham, dbetter, Lehman, Linney, Love, Mauney, McCotter, Merrin, Moore, Murphy, Olds, Price, Troy, Waddell and Whiteces—26.

Mr. Dargan, from the Judiciary Committee upon S. B. 250, bill to be entitled an act to encourage immigration into orth Carolina, and to increase the capital of the State, with commendation that it do pass.

Mr. Olds, from same Committee, reported 234, a bill to be itled an act to repeal chapter 76, private laws of 1868–'69, the recommendation that it do not pass.

Mr. Latham, from Committee on Claims, reported a bill to entitled an act in favor of the executors of the late Governor orth, which was read and passed first time, and placed on the endar.

Mr. Fleming introduced a bill to be entitled an act to amend tion 2, chapter 106, public laws 1869–'70, which was read passed first time and referred to committee on internal imvements.

Bills upon their third reading being now in order, the foling were taken up and disposed of, as follows:

B. S, a bill to be entitled an act to incorporate the Me-

chanics Association of Wilmington, which was read third tir and rejected. Yeas 1; Nays 33.

Affirmative—Mr. Hyman—1.

Negative—Messrs. Adams, Albright, Battle, Beasley, Broden, Cook, Council, Cowles, Currie, Dargan, Fleming, Flytle Gilmer, Graham of Alamance, Graham of Orange, Latha Ledbetter, Linney, Love, Mauney, McCotter, Merrimon, Mohead, Murphy, Olds, Price, Robbins of Davidson, Robbins Rowan, Skinner, Troy, Waddell, Whitesides and Worth—

On motion of Mr. Price, the vote just taken was reconsered, and the bill referred to the committee on corporations.

S. B. 15, a bill to be entitled an act for the appointment inspector and weigher of flour and weigher of cotton in t city of Raleigh. Read the third time.

Mr. Morehead moved to substitute the following for sections of the bill: "All bales of raw cotton offered and sold in secity, shall, on receipt and delivery, be inspected by said inspectant weigher in accordance with New York city laws rulating inspection of cotton, and shall be weighed with standard weights; and further, said inspector and weigher shall mark each bale the weight and class thereof, and he shall furthed eliver to buyer and seller a certificate in writing of standard elasses, and the certificates of such weight a class of any bale shall also note any initials or marks, who may be upon said bale.

Mr. Troy moved to amend amendment, by striking out af word "weigher" in 3 line, the word shall, and inserting, a shall be graded in accordance with the classification recogniz by the cotton exchange in the city of New York. The moti prevailed, and the amendment of Mr. Morehead, as amend was adopted.

Mr. Merrimon moved to recommit to committee on propertions and grievances. The motion did not prevail.

Mr. Morehead moved to refer the bill to Committee on C porations.

Mr. Merrimon moved to lay the bill on the table. The lotion prevailed.

A message was sent to the House of Representatives translitting the following bills, and asking the concurrence of the louse therein;

S. B. 256, a bill to be entitled an act in relation to the Wilington, Charlotte and Rutherford Railroad;

S. B. 282, a bill to be entitled an act to authorize S. A. Kelly,

teriff of Davie county to collect arrears of taxes.

On motion of Mr. Graham, of Orange, H. B. 217, S. B. 271, bill to be entitled an act to incorporate the Warrenton Railad Company, was taken up, read the third time and passed. eas 34; Nays none.

Affirmative—Messrs. Adams, Albright, Battle, Beasley, rogden, Cook, Cowles, Crowell, Currie, Dargan, Eppes, Giler, Graham of Orange, Hyman, Jones, King, Latham, Lingy, Love, Mauney, McCotter, Merrimon, Morehead, Murphy, orment, Olds, Price, Robbins of Davidson, Robbins of Rowan, kinner, Speed, Troy, Waddell, Whitesides and Worth—34. Negative—None.

On motion of Mr. Graham, of Orange, the Senate adjourned.

## THIRTY-NINTH DAY.

Senate Chamber, January 25th, 1871.

The Senate met pursuant to adjournment.

Journal of yesterday was read.

Mr. Graham, of Orange, from the Judiciary Committee, subtted a report upon the memorial of Annie A. Henderson, dabil to be entitled an act to authorize the exchange of rtain bonds issued during the war for internal improvement rposes, for new bonds. The bill was read and passed the

first time, and ordered to be placed on the calendar, ar together with the report, to be printed.

The hour of 10½ o'clock having arrived, the consideration the special order for that hour was postponed until 11 o'cloc

Mr. Love, from the Committee on Propositions and Grie ances, reported the following bills;

- S. B. 279, a bill to be entitled an act to change the line between the counties of Bladen, Columbus and Robeson. Committee discharged from the further consideration thereof, at the bill placed on the calendar.
- S. B. 273, a bill to be entitled an act to change the coun line between Bladen and Columbus, with recommendation th it do pass.
- S. B. 152, a bill to be entitled an act for the construction a bridge across the Yadkin river at or near Wilkesboro'. R ferred to committee on public roads, rivers, ferries and bridge
- S. R. 216, resolution in favor of B. A. Howell, late sheriff Robeson. Laid upon the table.
- H. B. 64, S. B. 240, a bill to be entitled an act to repeal a act to change part of the line that divides Burke and McDowe with the recommendation that it do pass.
- H. B. 142, S. B. 267, a bill to be entitled an act relative the sale of land by the commissioners of the town of Marion, McDowell county, with recommendation that it do pass.

Also, petition from citizens of county of New Hanover as ing to be discharged from its consideration. Discharge n granted.

Petition of citizens of Hyde county. Laid on the table.

A message was sent to the House of Representatives tranmitting S. B. 41, a bill to be entitled an act to repeal certa sections and to amend others in chapter 270, laws of 1868-'6

S. B. 197, a bill to be entitled an act to incorporate the tow of Jackson, in the county of Craven, by the name and style the town of Stonewall.

The following named bills were introduced, read and passe

the first time and referred, or disposed of otherwise, as follows:

By Mr. Robbins, of Rowan, a bill to be entitled an act to repeal certain sections of an act ratified August 17, 1868, entitled an act to organize militia of North Carolina. Placed on the calendar.

By Mr. Merrimon, a bill to be entitled an act to consolidate the North Carolina Railroad Company and the Western North Carolina Railroad Company, and for other purposes. Ordered to be printed and placed on the calendar.

By Mr. Lehman, a bill to be entitled an act to authorize tax collectors to collect taxes which shall remain due and unpaid in the same manner as sheriffs.

On motion of Mr. Lehman, the rules were suspended, and the bill was read and passed the second and third times. Yeas 39; Nays none.

Affirmative—Messrs. Adams, Allen, Battle, Beasley, Bellamy, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, King, Latham, Ledbetter, Lehman, Love, Mauney, McCotter, Merrimon, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner and Waddell—39.

Negative-None.

By Mr. Allen, a bill to be entitled an act to authorize the commissioners of Duplin county to levy a special tax. Referred to committee on propositions and grievances.

By Mr. Crowell, a bill to be entitled an act to incorporate the town of Lincolnton. Referred to committee on corporations.

By message from the House of Representatives, H. R. 102, resolution in favor of V. V. Richardson, sheriff of Columbus.

On motion of Mr. Currie, the rules were suspended and the resolution was read and passed the second and third times. Yeas 34; Nays none.

Affirmative---Messrs. Adams, Allen, Barnett, Battle, Beas-

ley, Brogden, Cook, Council, Crowell, Currie, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, King, Latham, Ledbetter, Lehman, Love, Mauney, Murphy, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Whitesides—34.

Negative-None.

On motion of Mr. Graham, of Orange, the vote just taken upon the passage of the resolution on its third reading, was reconsidered and the resolution amended by adding the following: this resolution shall take effect from and after its ratification. The resolution as amended was then passed the third time. Yeas 37; Nays none.

Affirmative—Messrs. Adams, Battle, Beasley, Bellamy, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, King, Latham, Ledbetter, Lehman, Love, Mauney, McCotter, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Troy and Waddell—37.

Negative—None.

The bill was then ordered to be forthwith re-engrossed and sent to the House of Representatives for concurrence in the amendment.

By Mr. Lehman, a bill to be entitled an act to amend section 12 of an act entitled proceedings in *habeas corpus*. Referred to the committee on the judiciary.

By Mr. Olds, a bill to be entitled an act repealing chapter 60 of the Revised Code. Referred to committee on corporations.

By Mr. Norment, a bill to be entitled an act for the better protection of Homesteads and personal property exemptions.

Mr. Norment moved to print the bill and refer it to the committee on propositions and grievances.

Mr. Robbins, of Rowan, moved to amend by striking out propositions and grievances, and inserting judiciary.

The motion prevailed, and the question recurring upon the motion of Mr. Norment as amended,

Mr. Murphy called for a division of the question.

The question then recurring upon the reference to the judiciary committee, the reference was ordered.

The question then recurring upon the motion to print, on further consideration, was

On motion of Mr. Graham, of Orange, postponed until the report of the judiciary committee upon the bill was submitted.

At eleven o'clock the consideration of the special order was, on motion of Mr. Price, postponed for thirty seconds.

Mr. Price introduced a resolution in reference to opening the sessions of the Senate with prayer, which was read.

The time for the consideration of the special order having arrived, the bill,

S. B. 38, a bill to be entitled an act to consolidate the North Carolina Railroad Company and the North Western North Carolina Railroad Company, was taken up on its third reading.

Mr. Gilmer offered a substitute for the bill.

Mr. Merrimon moved that the substitute be printed and that the further consideration thereof be postponed and the bill nade the special order for Friday at 11 o'clock, A. M.

Mr. Robbins, of Rowan, called the previous question. Upon his

Mr. Merrimon demanded the yeas and nays. The Senate greed thereto, and the Senate refused to order the main uestion to be put. Yeas 21; Nays 22.

Affirmative—Messrs. Adams, Allen, Barnett, Bellamy, Frown, Cook, Council, Cowles, Currie, Dargan, Gilmer, Gramm of Alamance, Graham of Orange, Jones, Morehead, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy and Worth—21.

Negative—Messrs. Battle, Beasley, Brogden, Crowell, Eppes, leming, Flythe, Hawkins, King, Latham, Ledbetter, Leh

man, Love, Mauney, McCotter, Merrimon, Moore, Murphy Olds, Speed, Waddell and Whitesides—22.

The question then recurring upon the motion of Mr. Merrimon, to print and postpone,

The yeas and nays were demanded. The Senate agreed thereto, and the motion prevailed. Yeas 23; Nays 22.

Affirmative—Messrs. Battle, Beasley, Brogden, Brown, Crowell, Eppes, Fleming, Flythe, Hawkins, Hyman, King Latham, Ledbetter, Lehman, Love, Manney, McCotter, Merrimon, Moore, Olds, Price, Speed and Waddell—23.

Negative—Messrs. Adams, Allen, Barnett, Bellamy, Cook, Council, Cowles, Currie, Dargan, Gilmer, Graham of Alamance Graham of Orange, Jones, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, White sides and Worth—22.

On motion of Mr. Fleming, the rules were suspended and H B. 64, S. B. 340, a bill to be entitled an act to repeal an acentitled an act to change part of the boundary line that divide Burke and McDowell counties, was taken up and read, and passed the second and third times. Yeas 26; Nays none.

Affirmative—Messrs. Adams, Battle, Beasley, Bellamy Brogden, Brown, Council, Cowles, Eppes, Fleming, Flythe Graham of Orange, Hawkins, Jones, Latham, Ledbetter, Lehman, Love, Merrimon, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Troy and Waddell—26.

Negative-None.

On motion of Mr. Murphy, the rules were suspended and & B. 244, a bill to be entitled an act defining and amending the charter of the Wilmington N. C. Life Insurance Companions taken up and read and passed the second and third time Yeas 32; Nays none.

Affirmative—Messrs. Adams, Battle, Beasley, Brogder Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Eppe Fleming, Flythe, Graham of Orange, Hawkins, Latham, Le better, Lehman, Love, Mauney, McCotter, Merrimon, Mor head, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy and Waddell—32.

Negative-None.

Mr. Robbins, of Davidson, from Committee on Enrolled Bills, reported as correctly enrolled, the following bills:

An act to incorporate the Wilmington and Onslow Railroad

Company;

An act to authorize sheriffs and tax collectors to collect arrears of taxes;

An act to authorize J. C. Griffith, sheriff of Caswell county, to collect arrears of taxes;

Resolution instructing the Governor to offer a reward for the arrest of M. S. Littlefield;

Resolution in favor of the sheriff of Stokes, which were ratified and transmitted, to the Secretary of State.

On motion of Mr. Morehead, the Senate adjourned, until 7 o'clock P. M.

## SENATE CHAMBER, January 23rd, 1871.

Senate met pursuant to adjournment.

On motion of Mr. Graham, of Orange, S. R. 10, resolution in favor of M. A. Bledsoe, was taken up under a suspension of the rules.

The question recurring upon the adoption of the substitute offered by Mr. Merrimon,

Mr. Gilmer moved to amend by adding the following proviso.

Provided, That the Governor in giving the said Bledsoe a warrant for the amount hereby allowed him, shall charge the said Bledsoe with the sum of thirty three hundred dollars, for which he holds a warrant, dated April 21st, 1879, and shall

after deducting this sum, deliver to said Bledsoe, his warrant for the balance of the amount hereby allowed.

The amendment prevailed.

The question then recurring upon the adoption of the substitute as amended. Mr. Robbins, of Davidson, demanded the yeas and nays. The Senate agreed thereto, and the substitute as amended was adopted. Yeas 30; Nays 9.

Affirmative—Messrs. Adams, Battle, Beasley, Bellamy, Brown, Cook, Council, Crowell, Currie, Dargan, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, Ledbetter, Lehman, Merrimon, Morehead, Murphy, Norment, Olds, Robbins of Rowan, Skinner, Speed, Troy, Waddell and Worth—30.

Negative—Messrs. Brogden, Fleming, King, Love, Mauney, McCotter, Moore, Robbins of Davidson, and Whitesides—9.

The question then recurring upon its passage as amended, the resolution was passed the second time. Yeas 26; Nays 13.

Affirmative—Messrs. Adams, Battle, Beasley, Bellamy, Brown, Cook, Council, Currie, Dargan, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, Ledbetter, Lehman, Merrimon, Morehead, Moore, Murphy, Norment, Olds, Robbins of Rowan, Troy and Waddell—26.

Negative—Messrs. Barnett, Brogden, Crowell, Fleming, King, Latham, Love, Mauney, McCotter, Robbins of Davidson, Speed, Whitesides and Worth—13.

On motion of Mr. Gilmer, the rules were suspended and S. B. 78, a bill to authorize the commissioners of Onslow county to adjust the tax lists now in the hands of the sheriff, was taken up, read and passed the second time and made the special order for to-morrow at 11 o'clock A. M., on its third reading.

On motion of Mr. Norment, the Senate adjourned.

#### FORTIETH DAY.

SENATE CHAMBER, January 26th, 1871.

The Senate met pursuant to adjournment.

Journal of yesterday was read.

Mr. Graham, of Orange, from the Judiciary Committee, reported a memorial of R. S. Tucker, together with a resolution in favor of said Tucker, which was read and passed first time and ordered to be placed on the calendar.

Mr. Lehman, from said Committee, reported following bills:

H. B. 213, S. B. 269, a bill to be entitled an act to make a failure to work on public roads a misdemeanor, with recommendation that it do pass.

S. B. 74, a bill to be entitled an act in relation to the lien of mechanics and other laborers and material men, upon buildings, lands and articles of personal property, and to repeal certain acts with amendments.

S. B., a bill to be entitled an act in relation to town lots in the town of Franklin, N. C., with recommendation that it do pass.

Mr. Dargan, from same Committee, reported H. B. 168, S. B. 270, a bill to be entitled an act to authorize the Commissioners of Clay county to levy a special tax for certain purposes, with recommendation that it do pass.

Mr. Murphy, from the Joint Committee on the Insane Asy lum, submitted a report which was referred to committee on the judiciary, with instructions to report a bill in accordance thereunto.

Mr. Olds, from the Judiciary Committee, reported S. B. 277, a bill to be entitled an act to amend section 23, chapter 37, Revised Code, entitled Deeds and Conveyances, with recommendation that it do pass.

Mr. Gilmer, from said Committee, reported S. B. 259,

a bill to be entitled an act to amend an act entitled an act concerning the settlement of the estates of deceased persons, ratified on the 6th day of April, 1869, with the recommendation that it do pass.

Mr. Robbins, of Davidson, from Committee on Education, reported S. B. 272, a bill to be entitled an act in relation to public lands, with an accompanying substitute, which under a suspension of the rules, was made the special order for 11 o'clock A. M., Tuesday, 31st January.

On motion of Mr. Mauney, the rules were suspended, and H. B. 225, S. B. 289, was taken up and put on its second reading, and on motion of Mr. Norment, laid on the table.

A message was received from the House transmitting H. R. 154, resolution concerning letter book and correspondence of Governor Holden, which, under a suspension of the rules, was adopted.

. Mr. Graham, of Orange, moved that the resolution be for thwith enrolled. Upon this motion the yeas and nays were demanded. The Senate agreed thereto, and the motion prevailed. Yeas 38; Nays none.

Affirmative—Messrs. Adams, Allen, Battle, Beasley, Bellamy, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Jones, King, Latham, Ledbetter, Lehman, Love, Mauney, McCotter, Merrimon, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy and Waddell—38.

Negative-none.

The following bills were introduced, read and passed the first time, and referred or otherwise disposed of, as follows:

By Mr. Robbins, of Davidson, a bill to be entitled an act in relation to the corporate limits of Thomasville. Placed on the calendar.

By Mr. Gilmer, a bill to be entitled an act to incorporate the Trustees of Augsburg Male and Female Academy. Referred to committee on corporations.

By Mr. Lehman, a bill to be entitled an act to provide for the payment of witnesses in the impeachment trial of W. W. Holden. Referred to judiciary committee with instructions to report to-day.

By Mr. Fleming, a bill to be entitled an act to incorporate Marion and Cranberry Railroad Company. Referred to com

mittee on internal improvements.

By Mr. Lehman, a bill to be entitled an act relating to roads, bridges, ferries and creeks, and to amend chapter 101 of the Revised Code. Referred to the committee on the judiciary.

By Mr. Lehman, a bill to be entitled an act to repeal certain sections of an act entitled an act concerning townships. Referred to the committee on the judiciary.

By Mr. Bellamy, resolution of enquiry of the Superinten-

dent of Public Instruction, which was adopted.

The hour for the special order, to-wit: S. B. 78, a bill to be entitled an act to authorize the commissioners of Onslow county to adjust the tax lists now in the hands of the sheriff having arrived, the bill was read the third time, amended and passed. Yeas 32; Nays 5.

Affirmative—Messrs. Adams, Allen, Battle, Beasley, Bellamy, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Hawkins, Jones, Latham, Ledbetter, Lehman, Love, Mauney, McCotter, Morehead, Robbins of Davidson, Robbins of Rowan, Skinner, Troy and Waddell—32.

Negative—Messrs. Graham of Orange, Hyman, King, Merrimon and Murphy—5.

On motion of Mr. Lehman, leave of absence for Saturday was granted to Mr. King.

A message was received from His Excellency Gov. Caldwell, transmitting information in regard to the troops called into service last year, which was read.

On motion of Mr. Robbins, of Rowan, five copies for each Senator were ordered to be printed.

Mr. Currie, from the Committee on Engrossed Bills, reported as correctly engrossed the following bills:

S. B. 9, a bill to be entitled an act to repeal an act entitled an act to extend the corporate limits of the town of Lumberton, in the county of Robeson;

S. B. 243, a bill to be entitled an act in relation to fees of. County Officers, and the Supreme Court Clerk;

Amendment to H. R. 102, resolution in favor of V. V. Richardson of Columbus county;

S. B. 300, a bill to be entitled an act to supersede the special courts of the Superior Court of Craven and Lenoir counties, which were transmitted to the House for concurrence.

Bills upon the third reading being now in order, S. R. 10, resolution in favor of M. A. Bledsoe, was read the third time.

Mr. Graham, of Orange, moved to amend by adding the following to the first resolution, "and this amount shall be in full and final settlement of all claims against the State of North Carolina by Moses A. Bledsoe, and shall be recipted for by him as such to the Public Treasurer upon payment of the amount herein indicated."

Mr. Graham, of Orange, called the previous question, and the Senate ordered the main question to be put.

The question recurring first upon the amendment, it was adopted.

The question then recurring upon its passage, the motion passed the third time. Yeas 24; Nays 16.

Affirmative—Messrs. Adams, Battle, Brown, Cook, Council, Currie, Dargan, Eppes, Gilmer, Graham of Alamance Graham of Orange, Hawkins, Hyman, Jones, Ledbetter, Lehman, Merrimon, Morehead, Murphy, Norment, Robbins of Rowan, Skinner, Troy and Waddell—24.

Negative—Messrs. Brogden, Cowles, Crowell, Fleming, Flythe King, Latham, Linney, Love, Mauney, McCotter, Price, Robbins of Davidson, Speed, Whitesides and Worth—16.

S. B. 196, a bill to be entitled an act to incorporate the

Trustees of Mount Vernon Academy, on Bay river, in the county of Craven, was taken up read the third time, amended and passed. Yeas 22; Nays 8.

Affirmative—Messrs. Adams, Brogden, Brown, Council, Cowles, Currie, Eppes, Flythe, Gilmer, Graham of Alamance, Hawkins, Ledbetter, Lehman, Mauney, McCotter, Merrimon, Morehead, Murphy, Norment, Price, Robbins of Davidson, Skinner and Waddell—22.

Negative—Messrs. Battle, Cook, Dargan, Graham of Orange, Hyman, King, Love and Robbins of Rowan—8.

Mr. Robbins, of Davidson, from the Committee on Enrolled Bills, reported as correctly enrolled, H. R. 154, resolution concerning the letter book and correspondence of Governor W. W. Holden, which was ratified and transmitted to the Secretary of State.

Mr. Love, by unanimous consent, introduced resolutions of enquiry from the Secretary of State, which was read and adopted.

Mr. Graham, of Orange, from the Judiciary Committee, reported a bill to provide for payment of witnesses in the impeachment trial of W. W. Holden, with a substitute therefor.

Mr. Graham, of Orange, called the previous question, and the Senate ordered the main question to be put.

The question recurring first upon the adoption of the substitute offered by the committee, the yeas and nays were demanded. The Senate agreed thereto, and the substitute was adopted. Yeas 32; Nays 4.

Affirmative—Messrs. Beasley, Bellamy, Brogden, Cook, Council, Cowles, Currie, Dargan, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Jones, King, Latham, Ledbetter, Lehman, Love, Manney, McCotter, Merrimon, Morehead, Murphy, Olds, Price, Robbins of Davidson, Skinner, Troy and Waddell—32.

Negative—Messrs. Adams, Hyman, Norment and Robbins of Rowan—4.

The bill then passed the second time.

The bill was then read and passed the third time. Yeas 35; Nays 2.

Affirmative—Messrs. Adams, Beasley, Bellamy, Brogden, Cook, Council, Cowles Crowell, Currie, Dargan, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, King, Latham, Ledbetter, Lehman, Love, Mauney, McCotter, Merrimon, Morehead, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Troy and Waddell—35.

Negative—Messrs. Murphy and Norment—2.

On motion of Mr. Graham, of Orange, the bill was ordered to be forthwith engrossed and transmitted to the House for concurrence.

Mr. Graham, of Orange, introduced a bill, which was read and passed the first time.

Mr. Graham, of Orange, moved to suspend the rules to put the bill upon its second and third readings.

Upon this question Mr. King demanded the yeas and nays. The Senate agreed thereto, and the rules were suspended Yeas 31; Nays 4.

Affirmative—Messrs. Adams, Allen, Battle, Bellamy, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Graham of Alamance, Graham of Orange, Eawkins, Jones, King, Latham, Ledbetter, Love, Mauney, McCotter, Merrimon, Moore, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy and Waddell—31.

Negative—Messrs. Beasley, Brogden, Eppes and Flythe—4. The bill was then read the second time.

On motion of Mr. King, amended so as to make its provisions apply to the special term of superior court for Lenoir county to be held 3d Monday in February, and passed the second time.

The bill was then read and passed the third time. Yeas 33; Nays none.

Affirmative—Messrs. Adams, Beasley, Bellamy, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan

ming, Flythe, Gilmer, Graham of Alamance, Graham of inge, Hawkins, Jones, King, Latham, Ledbetter, Love, uney, McCotter, Merrimon, Morehead, Norment, Robbins Rowan, Skinner, Troy and Waddell—33.

Vegative-None.

be forthwith engrossed and transmitted to the House for currence.

Ir. Price introduced a joint resolution, concerning a canal a the Waccamaw to Little River, S. C., which was read laid over under the rules.

Ir. Bellamy introduced a bill authorizing the commisners of Edgecombe county to issue bonds, which was read passed the first time and referred to the committee on positions and grievances.

Ir. Graham, of Orange, from the Committee on the Judiy, reported a resolution to consolidate the public debt, and ed to be discharged from the further consideration thereof, ch was done.

tills on their second reading being now in order,

. B. 51, a bill to amend an act concerning the settlement he estates of deceased persons, was read the second time. The amendment offered by the Committee on Judiciary, adopted and

n motion of Mr. Cook, the bill was indefinitely posted.

B. 57, a bill to be entitled an act to abolish the common right of dower, was taken up and read the second time, ding which,

In motion of Mr. Love, the Senate adjourned.

## FORTY-FIRST DAY.

SENATE CHAMBER, January 27th, 1871.

The Senate met pursuant to adjournment.
ournal of yesterday was read.

Messrs. Brogden and King presented a protest against thaction of the Senate on yesterday, in the adoption of the resultion in favor of M. A. Bledsoe. Ordered to be spread of the journals.

#### PROTEST.

The Undersigned, Senators, enter this their protest against resolution passed by the Senate on the 26th inst., by a vote yeas 24, nays 16, which delares, "That the Public Treasur is hereby instructed and directed to pay to M. A. Bledso five thousand three hundred and seventy three dollars ar torty-seven cents, with interest on four thousand and four delars and forty-nine cents from the first day of June, 1869, t paid."

We voted against the above resolution because the General Assembly of 1869–'70 passed a resolution in favor of M. Bledsoe, for the same claim, as follows:

"Resolved, by the House of Representatives, the Sens concurring, That the Public Treasurer is hereby instructed at directed to pay to M. A. Bledsoe, thirty-three hundred dolls out of any moneys not otherwise appropriated: Provided, the within amount (\$3,300,) shall be received in full payme of the original claim in favor of M. A. Bledsoe; also, the about mentioned sum shall be in full for all dues, demands, account and damages to date, March twenty-fourth, one thousand eighundred and seventy.

Provided further, That the aforesaid M. A. Bledsoe, she receipt to the Treasurer in full for all claims he may be against the State before the aforesaid amount shall be paid.

Ratified the 26th day of March A. D., 1870.

The books in the Auditors office show that a warrant wissued to M. A. Bledsoe on the 21st day of April, 1870, in a cordance with and by authority of the above resolution, whi

nate has authorized the Public Treasurer to pay to the said. A. Bledsoe a considerable amount more than he originally reed to receive.

We therefore protest against the resolution passed by the nate on the 26th inst., in favor of M. A. Bledsoe, for the asons and considerations above stated.

Respectfully submitted,

C. H. BROGDEN.

R. W. KING.

SENATE CHAMBER, Jan., 17th, 1870.

The introduction of bills being in order, the following were roduced, read, passed the first time, and referred or otherse disposed of, as follows:

By Mr. Love, a bill to be entitled an act to incorporate the matla Iron Company. Referred to committee on agriculture, chanics, mining, &c.

A bill to be entitled an act in relation to convicts. Referred to amittee on judiciary.

A bill in relation to the Capitol Square and Public Grounds the city of Raleigh, and for other purposes. Referred to comttee on public grounds and buildings.

Mr. Jones, a resolution in favor of Henry Biggs. Laid over der the rules.

Mr. Murphy, reported the following bills from Committee on reporations:

3. B. 8, a bill to be entitled an act to incorporate the Menics Association of Wilmington, with amendment.

B. 169, a bill to be entitled an act to revive and amend act entitled an act to incorporate the Bladen Manufacturing voluntarily and of his own free !will and accord received as attlement of his claim against the State. As he agreed to resolution allowing him three thousand three hundred dol, he had no legal right to call upon the State again for the ment of a still larger amount on account of the same claim. was precluded from doing so by his own act, and yet the

Company, ratified 25th January, 1867, with recommendat that it do pass.

S. B. 201, a bill to be entitled an act to amend an act to corporate the Wilmington Steam Fire Engine Company, v recommendation that it do pass.

H. B. 45, S. B. 207, a bill to be entitled an act to amend act incorporating the town of Hickory Tavern, with recomendation that it do pass.

H. B. 139, S. B. 239, a bill to be entitled an act to am an act to create the Bank of Statesville, with recommendath that it do not pass.

S. B. 257, a bill to be entitled an act to amend an act the better government and reputation of the town of Hertf in Perquimans county, with recommendation that it do p

S. B. 260, a bill to be entitled an act to amend an act to corporate the Atlantic, Tennessee and Ohio Railroad Compawith recommendation that it do pass.

S. B. 261, a bill to be entitled an act to amend an act aut izing the incorporation of Homestead and Building Assetion in the State, with recommendation that it do not pas

H. B. 47, S. B. 268, a bill to be entitled an act to incorpo the North Carolina Railroad and Manufacturing Comp with amendments.

S. B. 275, a bill to be entitled an act to incorporate the t of Wilkesboro', in Wilkes county, with recommendation it do pass.

The unfinished business of yesterday was taken up, an B. 57, a bill to be entitled an act to abolish the common right of dower, was, on motion of Mr. Cook, indefinitely poned.

Bills on their second reading being now in order, the lowing were read and disposed of, as follows:

S. B. 65, a bill to be entitled an act to empower the s solicitors to swear witnesses, indefinitely postponed.

S. B. 69, a bill to be entitled an act to repeal section 7 o

act in relation to punishment, and for other purposes, indefinitely postponed.

S. B. 70, a bill to be entitled an act to provide pensions for disabled Confederate soldiers of the State of North Carolina, and to widows and children of deceased Confederate soldiers. Laid on the table.

S. B. 260, a bill to be entitled an act to amend an act to incorporate the Atlantic, Tennessee and Ohio Railroad Company. Passed second time.

S. R. 73, H. R. 16, resolution in favor of W. E. Piercy, sheriff of Yancey county. Amended and passed second time.

On motion of Mr. Cowles, the rules were suspended, and S. B. 194, a bill to be entitled an act in relation to the Public Library, was taken up and put upon its several readings. The question recurring upon the amendment offered by the committee,

Mr. Robbins, of Rowan, moved to strike out words three and insert seven. The motion did not prevail.

Mr. Cowles moved to strike out three and insert five. The motion prevailed.

The amendment of the committee as amended was then adopted, and the bill passed the second time.

The bill was then read the third time.

Mr. Cowles moved to strike out five and insert seven.

Pending the motion, the further consideration of the bill was postponed and made the special order for to-morrow morning 11 o'clock.

Under a suspension of the rules, S. B. 260, a bill to be entitled an act to amend an act to incorporate the Atlantic, Tennessee and Ohio Railroad Company, was taken up, read the third time and passed. Yeas 36; Nays none.

Affirmative—Messrs. Albright, Allen, Battle, Beasley, Brown, Cook, Conneil, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, Lassiter, Latham, Ledbetter, Lehman, Love, Mauney, Moore, Morehead, Murphy, Norment, Olds,

Price, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Worth—36.

Negative-None.

The hour for the special order having arrived, S. B. 38, a bill to be entitled an act to consolidate the North Carolina Railroad Company and the North Western North Carolina Railroad Company, was taken up.

Mr. Fleming called the previous question. The Senate sustained the call and the main question was ordered to be put.

The question first recurring upon the amendment of Mr. Love to the amendment of Mr. Council, it was not adopted.

The question then recurring upon the amendment of Mr. Council, Mr. Love demanded the yeas and nays. The Senate agreed thereto, and the amendment was lost. Yeas 8; Nays 38.

Affirmative—Messrs. Brogden, Council, Fleming, Hawkins,

Jones, Latham, Love and Moore-8.

Negative—Messrs. Adams, Albright, Allen, Barnett, Battle, Beasley, Bellamy, Brown, Cook, Cowles, Crowell, Currie, Dargan, Eppes, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, King, Ledbetter, Lehman, Linney, Mauney, McCotter, Merrimon, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell and Worth—38.

The question next recurring upon the amendment of Mr. Gilmer to the substitute offered by himself, they were

adopted.

The question then recurring upon the adoption of the substitute as amended for the original bill, Mr. Love demanded the yeas and nays. The Senate agreed thereto, and the substitute was adopted. Yeas 30; Nays 15.

Affirmative—Messrs. Adams, Albright, Allen, Barnett, Battle, Bellamy, Brown, Cook, Council, Cowles, Currie, Dargan, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Linney, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy and Worth—30.

Negative—Messrs. Beasley, Brogden, Crowell, Eppes, Fleming, Flythe, Hawkins, Hyman, King, Love, Mauney, McCotter, Merrimon, Moore and Waddell—15.

The question then recurring upon its passage, the bill passed its third reading. Yeas 27; Nays 19.

Affirmative—Messrs. Adams, Allen, Barnett, Battle, Bellamy, Brown, Cook, Council, Cowles, Currie, Dargan, Gilmer, Graham of Alamance, Graham of Orange, Jones, Lehman, Linney, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Troy and Worth—27.

Negative—Messrs. Beasley, Brogden, Crowell, Eppes, Fleming, Flythe, Hawkins, Hyman, King, Latham, Ledbetter, Love, Mauney, McCotter, Merrimon, Moore, Speed, Waddell and Whitesides—19.

Mr. Speed, from the Committee on Privileges and Elections, submitted a report, together with the following resolutions, which, together with the report, were made special order for to-morrow morning 10½ o'clock.

Upon the accompanying state of facts, the majority of the Committee have instructed their chairman to submit the following resolution, and recommend its passage, viz:

Resolved, That at the election held on the first Thursday of August, 1870, in the 21st Senatorial District, composed of the counties of Granville and Person, at the several election precincts in said district, for the purpose of electing two Senators to represent said 21st Senatorial District in the General Assembly of North Carolina, for two years from the said 1st Thursday of August, 1870, until the next general election for Senators and Representatives for said State, according to the Constitution and laws of the aforesaid State, Leonidus C. Edwards and William A. Bradshaw received a majority of all the legally qualified votes which were cast in said District for two Senators as aforesaid, and are duly elected to represent said District in the General Assembly, and are entitled to theirseats as Senators from the said 21st District.

On motion of Mr. Gilmer, leave of absence was granted to Mr. Graham, of Alamance, from to-night until Monday morning.

On motion of Mr. Dargan, the Senate adjourned until this evening, 7 o'clock.

# SENATE CHAMBER, 7 P. M., January 27th, 1871.

The Senate met pursuant to adjournment.

The consideration of bills upon their second reading was resumed, and the following bills read the second time and disposed of, as follows:

S. B. 32, a bill to be entitled an act to amend charter of N. C. R. R. Company. Laid on table.

S. B. 221, a bill to be entitled an act concerning certain actions improperly commenced. Passed second time.

S. B. 99, a bill to be entitled an act to amend chapter 160 of the laws of 1868-'69.

The substitute offered by the Judiciary Committee was adopted, and the bill passed its second reading.

H. B. 13, S. B. 84, a bill to be entitled an act to consent to the purchase by the United States of America, of a site for a Light House at or near Bodies Island, between Cape Hatteras and Cape Fear. Laid on table.

S. B. 97, a bill to be entitled an act for the relief of G. B. Threadgill.

On motion of Mr. Love, the bill was amended so as to make its provision apply to J. L. Moore, sheriff of Macon county.

The amendments offered by the Committee on Propositions and Grievances were adopted, and the bill passed the second time.

S. B. 98, a bill to be entitled an act in favor of H. T. Grant, sheriff of Northampton county. Laid on the table.

S. B. 100, a bill to be entitled an act to repeal sections 13,

14 and 15, chapter 2 of the Revised Code. Laid on the table.

S. B. 104, a bill to be entitled an act to prevent parties in civil actions from being witnesses in their own behalf. Indefinitely postponed.

S. B. 105, a bill to be entitled an act to repeal section 468, of

chapter 9, of title 19, of the Code of Civil Procedure.

The substitute offered by the Committee on the Judiciary, was adopted and the bill as amended passed the second time.

S. B. 111, H. B. 44, a bill to be entitled an act to empower the personal representatives of the late sheriff of Person county to collect arrears of taxes.

The amendment offered by Committee on Propositions and Grievances, was adopted and the bill passed the second time.

Mr. Moore, from Committee on Privileges and Elections, submitted a minority report in relation to the contested election cases from the 21st Senatorial District, which was read and ordered to be considered with the resolutions and report submitted by the majority of said committee on same subject.

On motion of Mr. Linney, the rules were suspended, and

S. B. 105, a bill to be entitled an act to repeal section 468, chapter 9, title 19, of the Code of Civil Procedure and for other purposes, was taken up, read and passed the third time. Yeas 32; Nays 1.

Affirmative.—Messrs. Adams, Albright, Battle, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Eppes, Fleming, Flythe, Gilmer, Graham of Orange, Hawkins, Hyman, King, Latham, Linney, Love, Mauney, Merrimon, Moore, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Troy, Waddell and Worth—32.

Negative—Mr. Beasley—1.

On motion of Mr. Olds, S. R. 3J8, resolution in favor of Rufus S. Tucker was taken up, and put on its second reading.

Mr. Graham, of Orange, called the previous question. The Senate sustained the call and the main question was ordered to be put.

The question recurring upon its passage, the resolution was passed the second time. Yeas 19; Nays 11.

Affirmative—Messrs. Adams, Albright, Battle, Bellamy, Cook, Council, Currie, Dargan, Eppes, Gilmer, Graham of Orange, Hawkins, Hyman, Moore, Morehead, Murphy, Norment, Skinner and Worth—19.

Negative—Messrs. Brogden, Cowles, Crowell, Flythe, King, Linney, Love, Mauney, Robbins of Davidson, Speed and Troy—11.

On motion of Mr. Graham, of Orange, the Senate adjourned.

### FORTY-SECOND DAY.

SENATE CHAMBER, January 28th, 1871.

The Senate met pursuant to adjournment.

Journal of yesterday was read.

Mr. Robbins, of Davidson, from the Committee on Enrolled Bills, reported as correctly enrolled the following acts, to-wit:

An act to repeal an act entitled an act to change part of the line that divides Burke and McDowell counties;

An act to incorporate the Warrenton Railroad Company, which were duly ratified and transmitteed to the Secretary of State.

Mr. Currie, from the Committee on Engrossed Bills, reported as correctly engrossed, the following bills;

S. B. 244, a bill to be entitled an act defining and amending the charter of the Wilmington North Carolina Life Insurance Company;

S. B. 296, a bill to be entitled an act to authorize tax collectors to collect taxes which shall remain due and unpaid in the same manner as sheriffs;

S. B. 78, a bill to be entitled an act to anthorize the com-

missioners of Onslow county to adjust the tax lists now in the hands of the sheriff;

S. B. 302, a bill to be entitled an act to provide for payment of witnesses in the impeaclment trial of W. W. Holden;

S. R. 10, resolution in favor of M. A. Bledsoe,

Which were transmitted to the House of Representatives for concurrence.

Mr. Murphy, from Committee on Corporations, reported S. B. 290, a bill to incorporate the Perquimans Savings Bank, in the town of Hertford, North Carolina, with recommendation that it do pass.

Mr. Love, from Committee on Propositions and Grievances, submitted a report, asking to be discharged from the further consideration of S. B. 298, a bill to authorize the commissioners of Duplin county to levy a special tax, and that the bill be referred to the committee on the judiciary. Report concurred in.

The following bills were then introduced, read, passed the first time, and referred or otherwise disposed of, as follows:

By Mr. Albright, a bill to be entitled an act to incorporate the trustees of the Yates Academy, in Chatham county. Placed on calendar.

By Mr. Beasley, a bill to be entitled an act to allow the commissioners of Burtie county to levy a special tax of \$6,000. Placed on calendar.

By Mr. Crowell, a bill to be entitled an act in relation to the sale of spirituous liquors in the town of Lincolnton. Referred to committee on propositions and grievances.

By Mr. Graham, of Orange, resolution in favor of Sylvester Smith. Referred to committee on claims.

By Mr. Graham, of Orange, a bill to incorporate the bank of Eastern North Carolina. Referred to committee on judiciary.

The hour for the special order having arrived, the resolution offered by the Committee on Privileges and Elections, in relation to the contested election case from the 21st district, and the

majority and minority reports in relation thereto, were taken up and considered.

Mr. Price moved to dispense with the reading, and to print the reports. The motion did not prevail.

On motion of Mr. Moore, the further consideration thereof was made the special order for 10½ o'clock, Monday morning.

Mr. Whitesides introduced a resolution in favor of W. P. Batchelor, which was read and laid over under the rules.

H. R. 162, resolution in regard to the paying of certain warrants in aid of the late military movements was introduced by message from the House of Representatives, read and passed the first time.

Mr. Cowles moved a suspension of the rules to put the resolution upon its several readings. Upon this question Mr. Merrimon demanded the yeas and nays. The Senate agreed thereto, and the motion prevailed. Yeas 29; Nays 2.

Affirmative—Messrs. Adams, Allen, Battle, Bellamy, Brogden, Cook, Cowles, Crowell, Currie, Dargan, Eppes, Fleming, Gilmer, Graham of Orange, Jones, Latham, Linney, Love, Mauney, Merrimon, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whitesides and Worth—29.

Negative-Messrs. Hyman and Price-2.

The bill was then read and passed the second and third times. Yeas 26; Nays 2.

Affirmative—Messrs. Adams, Allen, Battle, Brogden, Cook, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Graham of Orange, Jones, Latham, Linney, Love, Mauney, Merrimon, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell, Whitesides and Worth—26.

Negative—Messrs. Eppes and Hyman—2.

A motion was made to reconsider the vote just taken, and to lay that motion on the table. The latter motion prevailed.

On motion of Mr. Love, a committee of three was appointed

by the chair to notify the Treasurer of the action just taken by the Senate in relation to said warrants.

Messrs, Love, Whitesides and Waddell were appointed on said committee.

A message was received from the House of Representatives transmitting S. B. 173, a bill to be entitled an act concerning a Convention of the People, with amendments thereto, asking the concurrence of the Senate in the same.

Mr. Price moved to print the bill as amended, and make it the special order for 7½ P. M. on Monday.

Mr. Merrimon demanded a division of the question, and the motion to print was lost. The motion to make the bill the special order for  $7\frac{1}{2}$  P. M. on Monday, was carried.

Mr. Merrimon presented claims of J. H. Ennis. Read and referred to committee on claims.

A message from the Board of Education was received, and its consideration made special order for 20 minutes after 10, A. M., on Monday.

On motion of Mr. Cook, the Senate adjourned until Monday morning.

## FORTY-THIRD DAY.

SENATE CHAMBER, January 30, 1871.

The Senate met pursuant to adjournment.

The journal of yesterday was read.

The time fixed for the consideration of the report from the Board of Education having arrived, the report was read and referred to the committee on the judiciary.

Mr. Dargan, from the judiciary committee, reported S. B. 274, a bill to be entitled an act concerning usury, with recommendation that it do not pass.

The following bills were then introduced, read and passed

first time and referred, or otherwise disposed of, as follows:

By Mr. Adams, a bill to be entitled an act to authorize the county commissioners of Stokes county to levy a special tax. Referred to committee on propositions and grievances.

By Mr. Love, a bill to be entitled an act in relation to entries of land in Jackson county. Referred to committee on judiciary.

By Mr. Gilmer, a bill to be entitled an act to cure certain errors in the jurisdiction of the courts. Referred to committee on the judiciary.

A bill to be entitled an act allowing executors and administrators to plead anew in certain cases. Referred to committee on judiciary.

A bill to be entitled an act to allow the registration of deeds upon certain proofs. Referred to committee on the judiciary.

Mr. Speed introduced resolutions of inquiry as to claims of M. L. Wiggins and W. E. Anderson, which was read and adopted.

The hour of 10½ A. M. having arrived, the special order for that hour, to-wit: S. R. 315, resolution in contested election cases, from the 21st Senatorial District, offered by majority of committee on privileges and elections, were considered.

Pending the discussion upon the resolutions, on motion of Mr. Graham, of Orange, their further consideration was post-poned until after the adjournment of the court of impeachment.

The hour of 12 M. having arrived, the Senate took a recess to sit as a court of impeachment.

The court having adjourned, the Senate was called to order by the Chair, and the consideration of the resolutions relating of the contested election case from 21st Senatorial District was resumed.

Pending which, the Senate adjourned until seven P. M.

# SENATE CHAMBER, 7 P. M., January 30th, 1871.

The Senate met pursuant to adjournment.

On motion of Mr. Latham, leave of absence was granted to Ir. Jones from to-night until Monday night.

The unfinished business being in order, to-wit: S. R. 315, relation to the contested election case from 21st Senatorial istrict, the further consideration was postponed for fifteen inutes.

The hour of  $7\frac{1}{2}$  having arrived, the special order for that our, to-wit: the consideration of the amendments adopted by 10 House of Representatives to S. B. 173, a bill to be entitled 1 act concerning a Convention of the People, was taken up 10 the amendments read.

Mr. Graham, of Orange, moved that the Senate disagree to be amendments adopted by the House of Representatives, and that a message be sent to the House informing that body the fact, and asking a committee of conference thereon. The motion prevailed, and

Messrs. Graham, of Orange, Brown and Robbins, of Rowan, ere designated as the members of the Senate branch of said ommittee.

The honr for the consideration of S. R. 315, resolution relang to the contested election case from 21st district, having rived, the resolution was taken up.

Mr. Jones offered the following as a substitute therefor:

That an election held in the 21st Senatorial District on the th day of August, 1870, resulted in the election of L. C. dwards and S. C. Barnett, as Senators from said district, the id L. C. Edwards and S. C. Barnett, having received a marity of the legal votes cast at said election.

Mr. Lehman moved to amend the substitute by striking out to name of L. C. Edwards and inserting that of R. W. Laster.

Mr. Robbins, of Rowan, called the previous question. The

Senate sustained the call, and the main question was ordered to be put.

The question recurring first upon the amendment offered by Mr. Lehman,

Mr. Beasley demanded the yeas and nays. The Senate agreed thereto, and the amendment did not prevail. Yeas 19; Nays 24.

Affirmative—Messrs. Barnett, Beasley, Bellamy, Brogden, Dargan, Eppes, Flythe, Hawkins, King, Ledbetter, Lehman, Love, McCotter, Moore, Olds, Price, Robbins of Davidson, Robbins of Rowan and Skinner—19.

Negative—Messrs. Adams, Albright, Allen, Battle, Brown, Cook, Crowell, Currie, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Jones, Linney, Mauney, McClammy, Merrimon, Morehead, Murphy, Speed, Troy, Waddell, Whitesides and Worth—24.

The question recurring next upon the substitute offered by Mr. Jones, on motion of Mr. Love, the Senate ordered a division of the question.

The question first recurring upon the adoption of the substitute as declaratory of the right of L. C. Edwards to a seat as Senator from 21st district. Mr. Jones demanded the yeas and nays. The Senate agreed thereto, and the substitute was adopted. Yeas 24; Nays 19.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Brown, Cook, Crowell, Currie, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Jones, Linney, Manney, McClammy, Merrimon, Morehead, Murphy, Speed, Troy, Waddell, Whitesides and Worth—24.

Negative—Messrs. Barnett, Beasley, Bellamy, Brogden, Dargan, Eppes, Flythe, Hawkins, King, Ledbetter, Lehman, Love, McCotter, Moore, Olds, Price, Robbins of Davidson, Robbins of Rowan and Skinner—19.

The question then recurring upon the adoption of the substitute as declaratory of the right of S. C. Barnett to a seat as Senator from the 21st district,

Robbins, of Rowan, demanded the yeas and nays. The te agreed thereto, and the substitute was adopted. Yeas Mays 7.

\*Remative—Messrs. Adams, Albright, Allen, Battle, Bey, Bellamy, Brogden, Brown, Cook, Crowell, Currie, an, Eppes, Fleming, Gilmer, Graham of Alamance, kins, Jones, King, Ledbetter, Love, McClammy, McCot-Loore, Price, Robbins of Davidson, Robbins of Rowan, her, Troy, Whitesides and Worth—31.

gative—Messrs. Graham of Orange, Linney, Mauney,

imon, Morehead, Murphy and Waddell—7.

he resolution, S. R. 315, as amended, was then adopted.

n motion of Mr. Moore, the Senate adjourned.

### FORTY-FOURTH DAY.

SENATE CHAMBER, January 31st, 1871.

he Senate met pursuant to adjournment.

Aurnal of yesterday was read.

C. Edwards, Esq., appeared and was duly qualified and his seat as a Senator from the 21st Senatorial District.

communication from the Secretary of State was received, and referred to Committee on Public Printing.

Fr. Currie, from the Committee on Engrossed Bills, reported freetly engrossed, the following:

B. 38, a bill to be entitled an act to allow the North Caro-Railroad Company to purchase and consolidate with North Western North Carolina Railroad Company;

<sup>9</sup> B. 105, a bill to be entitled an act to repeal section 468, ter 9, title 19, of the Code of Civil Procedure, and tor purposes;

B. 196, a bill to be entitled an act to incorporate the Trus-

tees of Mount Vernon Academy, on Bay River, in the count Craven;

S. B. 260, a bill to be entitled an act to amend an act to corporate the Atlantic, Tennessee and Ohio Railroad Compa which were transmitted to the House for concurrence.

The following bills were then introduced, read and pas first time, and referred or otherwise disposed of, as follows:

By Mr. Dargan, a bill to be entitled an act in relation to ternal Improvements. Referred to committee on internal provements.

By Mr. Moore, a bill to be entitled an act requiring the stretary of State to index the offical records of the office. Pla on calandar.

By Mr. Love, a bill to be entitled an act in relation to pring the statutes. Referred to committee on public printing

By Mr. Morehead, a bill to be entitled an act to author the commissioners of Rockingham county to issue bonds levy a special tax to fund and pay off the county debts. ferred to committee on propositions and grievances.

By Mr. Lehman, resolution in favor of A. R. Dennison, sheriff of Craven county, to collect arrearages of taxes. R and laid over under the rules.

By Mr. Fleming, resolution in favor of William Smith. R and laid over under the rules.

By Mr. Fleming, resolution relating to the trial of an peachment. Read and referred to committee on rules practice.

By Mr. Graham, of Orange, resolution in tavor of W. Bradsher. Read and laid over under the rules.

By message from the House, H. R. 164, resolution in fa of —— Buchanan, sheriff of Jackson county. Read and pasfirst time.

H. B. 298, a bill to be entitled an act in relation to the of spirituous liquors in the town of Asheville. Referred committee on propositions and grievances.

By Mr. Graham, of Orange, a bill to be entitled an ac

ion to punishment of arson and burglary. Referred to nittee on judiciary.

r. Graham, of Orange, moved that the Committee on the ciary and on Finance, be each hereafter composed of eleven bers. The motion prevailed.

de hour of 11 A. M. having arrived, the special order for hour, to-wit.

B. 272, a bill to be entitled an act relative to public lands taken up and made special order for to-morrow at 11 [.

nder a suspension of the rules, the following bills were n up, read and acted upon as follows:

B. 195, a bill to be entitled an act to compel the Presiand Directors of the several Railroads in this State to act with successors in office for the public property and s of said companies on its second reading.

: Troy moved to amend by inserting after word "Presi-" in section 2, the words 'director or other officer." The Idment prevailed.

. Troy moved to further amend by adding the following ional sections, to-wit.

ction 3. That all persons conspiring with any such Presi-Directors or their agents to defeat, delay or hinder the ation of this act, shall be deemed guilty of a misdemeanor, on conviction in any Superior Court in this State, shall be et to the penalties provided in the first section of this act. fiction 4. This act shall be in force from and after its ratifith.

he amendment prevailed, and the bill as amended passed escond time.

e bill was then read and passed the third time. Yeas 38; none.

Firmative -- Messrs. Albright, Allen, Barnett, Battle, ey, Bellamy, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Edwards, Fleming, Gilmer, Graham of Ora King, Latham, Ledbetter, Lehman, Linney, Love, ney, Merrimon, Moore, Morehead, Murphy, Norment, Ro of Davidson, Robbins of Rowan, Skinner, Speed, Troy, dell, Whitesides and Worth—38.

Negative—None.

S. B. 320, a bill to be entitled an act to allow the consioners of Bertie county to levy a special tax of \$6,000, a second reading.

Mr. Troy moved to amend by inserting the following additional section:

Section 2. That this act authorizes and requires the commissioners to levy a special tax upon all polls ir county, in ratio as provided in the Constitution.

The amendment prevailed, and the bill passed the setime. Yeas 24; Nays 13.

Affirmative—Messrs. Adams, Albright, Beasley, B Cook, Crowell, Currie, Dargan, Edwards, Flythe, Gilmer ham of Alamance, Graham of Orange, Ledbetter, Linney, Mauney, McClammy, Morehead, Skinner, Speed, Troy, dell and Worth—24.

Negative—Messrs. Barnett, Brogden, Cowles, King, Lat Lehman, McCotter, Merrimon, Murphy, Norment, Robb Davidson, Robbins of Rowan and Whitesides—13.

S. B. 151, a bill to be entitled an act to punish officer agents of railroad companies and other corporations to bezzlement and other offences, on its second reading, p the second time.

The bill was then read and passed the third time. Yet Nays none.

Affirmative—Messrs. Adams, Albright, Barnett, Battle, ley, Brogden, Brown, Cook, Council, Cowles, Crowell, C Dargan, Edwards, Fleming, Flythe, Gilmer, Graham of mance, Graham of Orange, King, Latham, Ledbetter,

han, Linney, Love, Mauney, McClammy, Merrimon, Moore, forehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whitesides and Worth -39.

Negative-None.

S. R. 149, resolution in favor of Hackney Pool, on its second eading.

The amendment offered by Committee on Claims, was lopted and the resolution passed the second time.

The resolution was then read and passed the third time. eas 33; Nays 3.

Affirmative—Messrs. Adams, Albright, Allen, Barnett, Bate, Brogden, Brown, Cook, Council, Currie, Dargan, Edwards, Meming, Gilmer, Graham of Alamance, Graham of Orange, Latham, Linney, Love, McClammy, McCotter, Merrimon, forehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whitesides and Worth—33.

Negative—Messrs. Cowles, Flythe and King—3.

The resolution was then ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

S. B. 201, a bill to be entitled an act to amend an act to corporate the Wilmington Steam Fire Engine Company. ead and passed second and third times. Yeas 41; Nays one.

S. B. 181, a bill to be entitled an act in relation to the ceper of the Capitol on its second reading.

Mr. Love moved to strike out words Wednesday, 21st De cember, 1870, and insert words Tuesday, 7th February, 1871 The motion prevailed, and the bill passed the second time as amended.

The bill was then read the third time.

Mr. Gilmer moved to strike out words Tuesday, 7th, and insert words Saturday, 4th. The motion prevailed, and the bill as amended passed the third time—Yeas 33; Nays 2.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Beas ley, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards Flenning, Gilmer, Graham of Alamance, Graham of Orange Latham, Ledbetter, Linney, Love, Mauney, McClammy, McCotter, Morehead, Murphy, Norment, Robbins of Davidson Robbins of Rowan, Skinner, Speed, Troy, Waddell and Worth—33.

Negative—Messrs. Brogden and Eppes—2.

Ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

S. B. 319, a bill to be entitled an act to incorporate the true tees of the Yates Academy in Chatham county. Read an passed second and third times. Yeas 36; Nays none.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Belamy, Brogden, Cook, Council, Cowles, Crowell, Currie, Edwards, Fleming, Flythe, Gilmer, Graham of Alamauce, Graham of Orange, Hawkins, King, Latham, Ledbetter, Linney Love, Mauney, McClammy, McCotter, Merrimon, Morehead Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowau, Skinner, Waddell and Worth—36.

Negative-None.

S. B. 191, H. B. 129, a bill to be entitled an act to authorize the levy of a special tax for the county of Person, on its secon reading.

The amendment offered by the Committee on Finance we adopted, and the question recurring upon the passage of the bill as amended on its second reading, the bill did not past Yeas 8; Nays 34.

Affirmative—Messrs. Adams, Brown, Currie, Graham of Alamance, Latham, Morehead, Speed and Whitesides—8.

Negative—Messrs. Albright, Allen, Battle, Beasley, Bellamy, Brogden, Cook, Council, Cowles, Crowell, Dargan, Edwards, Eppes, Fleming, Gilmer, Graham ot Orange, King, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Worth—34.

Mr. Graham, of Orange, moved to reconsider the vote just

Mr. Robbins, of Rowan, called the previous question. The Senate sustained the call, and the question recurring upon the action to reconsider, Mr. Robbins of Rowan demanded the cas and nays. The Senate agreed thereto, and the motion to econsider prevailed. Yeas 38; Nays 4.

Affirmative—Messrs. Adams, Albright, Allen, Barnett, Battle, Beasley, Bellamy, Cook, Council, Cowles, Crowell, Jurrie, Dargan, Edwards, Eppes, Fleming, Flythe, Gilmer, traham of Alamance, Graham of Orange, Hawkins, Latham, edbetter, Lehman, Linney, Love, Mauney, McClammy, IcCotter, Morehead, Murphy, Norment, Skinner, Speed, roy, Waddell, Whitesides and Worth—38.

Negative—Messrs. Brogden, Merrimon, Robbins of Davidn and Robbins of Rowan—4.

Mr. Allen moved to amend by inserting the following: retion 2, this act shall have no force or effect until submitted to the vote of the people of Person county, at an election be held under the direction of the county commissioners ad approved by a majority of the votes cast. The amendant prevailed, and the bill as amended passed the second ne. Yeas 25; Nays 12.

Affirmative—Messrs. Albright, Allen, Barnett, Battle, Beas, Cook, Council, Cowles, Currie, Dargan, Edwards, Flemg, Flythe, Gilmer, Graham of Alamance, Graham of Orange,
wkins, Latham, Ledbetter, Manney, Olds, Skinner, Speed,
oy and Worth—25.

not]

Negative—Messrs. Bellamy, Brogden, Crowell, Edwards, Lehman, Linney, Love, McClammy, McCotter, Merrimon, Robbins of Davidson and Worth—12.

S. B. 194, a bill to be entitled an act in relation to the Public Library, on its second reading.

Mr. Love offered a substitute for the bill.

The question recurring upon its adoption,

Mr. Love demanded the yeas and nays. The Senate agreed thereto, and the substitute was not adopted. Yeas 8; Nays 24.

Affirmative—Messrs. Battle, Council, Graham of Orange, Love, Mauney, Morehead, Murphy and Norment—8.

Negative—Messrs. Adams, Albright, Allen, Brogden, Cook, Cowles, Dargan, Edwards, Eppes, Fleming, Gilmer, Hawkins, King, Latham, Linney, McClammy, McCotter, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Whitesides and Worth—24.

The substitute offered by the Committee on the Library as amended, was then adopted.

Mr. Gilmer moved to amend by adding to section 1, the following: "and shall hold his place until his successor shall be elected and qualified." The amendment prevailed.

The bill as amended then passed the second time.

The bill was then read the third time.

Mr. Fleming moved to amend by inserting the following

SECTION 2. The Library shall be kept open on all days, Sun days and holidays excepted, from 9 A. M. to 12 M., excepturing the sitting of the General Assembly, when the Library shall be kept open, in addition to the above stated time, from 2 P. M. until 5 P. M. The Librarian shall also keep the Libraries in the Senate Chamber and House of Representatives closed, except during the sessions of the General Assembly.

The amendment prevailed.

Mr. Robbins, of Rowan, moved to insert after word "A

sembly," when it first occurs in section 2, words "and terms of the Supreme Court." The amendment was adopted.

Mr. Love moved to strike out in same section word "closed" and insert word "locked."

Mr. Graham, of Orange, called the previous question. The Senate sustained the call, and the main question was ordered to be put.

The question recurring first upon the amendment of Mr. Love, it was adopted.

The bill as amended then passed the third time. Yeas 38; Nays 4.

Affirmative----Messrs. Adams, Albright, Allen, Battle, Bellamy, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, King, Latham, Ledbetter, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell and Whitesides—38.

Negative—Messrs. Beasley, Brogden, Flythe and Price—4. S. B. 253, a bill to be entitled an act in relation to town-lots in the town of Franklin, N. C., on its second reading.

The bill was read and passed the second and third times. Yeas 38; Nays none.

Affirmative—Messrs. Albright, Allen, Battle, Beasley, Brogden, Cook, Council, Crowell, Currie, Dargan, Edwards, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed Troy, Waddell, Whitesides and Worth—38.

Negative-None.

H. R. 164, resolution in favor of B. S. Buchanan, sheriff of Jackson county.

The bill was read and passed the second and third times. Yeas 38; Nays none. Affirmative—Mesrs. Adams, Albright, Allen, Barnett, Battle, Beasley, Bellamy. Brogden, Brown, Cook, Council, Crowell, Dargan, Edwards, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, King, Latham, Lehman, Linney, Love, Mauney, McClammy, Merrimon, Moore, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whitesides and Worth—38.

Negative-None.

Mr. Robbins, of Davidson, from Committee on Enrolled Bills, reported as correctly enrolled,

Resolution instructing the Treasurer not to pay certain warrants;

Senate resolution, to pay expenses of A. C. Cowles in going after Chief Justice Pearson;

An act for the relief of the sureties of J. W. C. Pearcy, deceased, late tax collector of Cherokee county;

Resolution in favor of V. V. Richardson, sheriff of Columbus county;

Resolution in favor of B. S. Buchanan, sheriff of Jackson county, which were duly ratified and transmitted to the Secretary of State.

On motion, the Senate adjourned.

## FORTY-FIFTH DAY.

SENATE CHAMBER, February 1st, 1871.

The Senate met pursuant to adjournment.

Journal of yesterday was read.

The tollowing reports from standing committees were made by Mr. Dargan, from judiciary committee:

S. B. 322, a bill to be entitled an act to incorporate the bank of Eastern North Carolina, with recommendation that it do pass.

S. B. 298, a bill to be entitled an act to authorize the commissioners of Duplin county to levy a special tax, with recommendation that it do pass.

By Mr. Gilmer, from Committee on Education and Lit-

erary Fund;

S. B. 68, a bill to be entitled an act to amend section 52 of an act entitled an act to provide for a system of Public Instruction, with accompanying substiture therefor.

By. Mr. Mauney, from Committee on Public Printing, S. B. 338, a bill to be entitled an act in relation to printing the

statutes, with amendment.

By Mr. Love, from Committee on Propositions and Grievances, with recommendation that it do pass.

S. B. 321, a bill to be entitled an act in relation to the sale of spirituous liquors in the town of Lincolnton.

S. B. 324, a bill to be entitled an act to authorize the county commissioners of Stokes county to levy a special tax, with recommendation that it do pass.

A message was received from the House of Representatives, announcing the concurrence of the House in the proposition to raise a committee of conference on the amendments adopted by the House to S. B. 173, a bill to be entitled an act concerning a Convention of the People, and disagreed to by the Senate, and designating Messrs. Ashe, Withers, Wilcox, Duckworth and Sanford, as House branch of said committee.

The following bills were introduced, read and passed first time and referred, or were otherwise disposed of, as follows:

By Mr. Dargan, a bill to be entitled an act in relation to the liability of husbands upon contracts, &c. Referred to committee on judiciary.

By Mr. Olds, a resolution relating to certain Swamp Lands. Laid on the table.

By Mr. Cook, resolution of enquiry of the Public Treasurer. Read and adopted.

By message from the House of Representatives, H. B. 315,

a bill to be entitled an act supplemental to an act, ratified on the 23rd day of December, A. D. 1860. Passed first time.

A report from the Superintendent of Public Instruction was received, read and referred to committee on education and literary fund.

The following bills were then taken up, read and disposed

of, as follows, under a suspension of the rules:

H. B. 315, a bill to be entitled an act supplemental to an act, ratified the 23d day of December, 1870, on its second reading. Passed the second time and made the special order for to-morrow morning at  $10\frac{1}{2}$  o'clock, on the third reading.

H. B. 129, S. B. 191, a bill to be entitled an act to authorize the levy of a special tax for the county of Person, on its third

reading.

The question recurring on its passage, Mr. Graham, of Orange, called the previous question. The Senate sustained the call, and the main question was ordered to be put.

The bill then passed its third reading. Yeas 31; Nays 10. Affirmative—Messrs. Adams, Albright, Allen, Battle, Beasley, Brown, Cook, Council, Cowles, Dargan, Edwards, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, King, Latham, Ledbetter, Linney, Love, McClammy, Morehead, Murphy, Price, Skinner, Troy, Whitesides and Worth—31.

Negative—Messrs. Brogden, Eppes, Lehman, Mauney, Mc-Cotter, Merrimon, Norment, Robbins of Davidson, Robbins of Rowan and Waddell—10.

The bill was ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

S. B. 338, a bill to be entited an act in relation to the printing of the statutes on its second reading.

The amendment proposed by the Committee on Education and the Literary Fund, was adopted and the bill as amended passed the second time.

The bill was then read and passed the third time. Yeas 40; Nays none.

Affirmative—Messrs. Adams, Albright, Battle, Beasley, Bellamy, Brogden, Brown, Cook, Council, Cowles, Crowell, Dargan, Edwards, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, King, Lassiter, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McCotter, Merrimon, Moore, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Waddell, Whitesides and Worth—40.

Negative-None.

Ordered to be forthwith engrossed and transmited to the House of Representatives for concurrence.

The hour of 11 A. M. having arrived, the special order for that hour, S. B 272, a bill relative to public lands was taken up on its second reading.

The question recurring upon the substitute offered by the Committee on Education and Literary Fund,

Mr. Allen offered a substitute.

Mr. McClammy moved to amend the substitute offered by Mr. Allen, by adding to first section, the following: "Proviled, said work shall be commenced within two years."

Mr. McClammy called the previous question. The Senate ustained the call, and ordered the main question to be put.

The question first recurring upon the amendment of Mr. Me-Hammy to the substitute of Mr. Allen, it was adopted.

The question next recurring upon the substitute of Mr. Alen for the original bill, it was adopted and the bill as amended bassed its second reading.

The hour of 12 M. having arrived, the Senate took a recess o sit as a Court of Impeachment.

The court having taken a recess, the Senate was called to order by the Chair, and on motion of Mr. Graham, of Orange, ook another recess until after the adjournment of the court for the day.

The court having adjourned, the Senate was again called to order by the Chair.

Mr. Currie reported as correctly engressed, S. B. 194, a bill

to be entitled an act in relation to the Public Library, which was transmitted to the House of Representatives for concurrence.

The President announced the following as additional members of committees.

On the Judiciary-Messrs. Allen, Edwards, Robbins of Rowan, Linney and Graham of Alamance.

On Finance—Messrs. Worth, Morehead, McClammy, King and Ledbetter.

On Education and Literary Fund—Messrs. Brown and Edwards.

On Internal Improvements-Mr. Graham of Alamance.

On motion of Mr. Graham, of Orange, the Senate adjourned until 7 P. M.

## SENATE CHAMBER, 7 P. M., Feb. 1, 1871.

The Senate met pursuant to adjournment.

The following bills were introduced by message from the House of Representatives, read and passed first time, referred or otherwise disposed of, as follows:

H. R. 115, resolutions requesting Senators and Representatives in Congress from this State, to solicit an additional appropriation for the improvement of the Cape Fear Bar. Laid over under the rules.

II. B. 251, a bill to be entitled an act to incorporate the town of Waynesville, in the county of Haywood. Referred to committee on corporations.

H. B. 275, a bill to be entitled an act to incorporate the town of Gibsonville, in the county of Guilford. Referred to committee on corporations.

H. B. 163, an act to incorporate Clay Lodge, No. 301, Ancient York Masons. Referred to committee on corporations. H. B. 259, a bill to be entitled an act to charter the Forney Creek Turnpike Company, in Jackson county. Referred to committee on internal improvements.

H. B. 260, a bill to be entitled an act to charter the Tennessee River Turnpike Company. Referred to committee on internal improvements.

The following bills on their third reading were then taken up, read and disposed of, as follows:

S. R. 73, H. R. 16, resolution in favor of W. E. Piercy, sheriff of Yancey county. Laid on the table.

S. B. 97, a bill to be entitled an act for the relief of G. B. Chreadgill and J. L. Moore. Passed the third time. Yeas 33; Nays none.

Affirmative—Messrs. Adams, Albright, Battle, Beasley, Brogden, Brown, Council, Crowell, Currie, Dargan, Edwards, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Iyman, King, Ledbetter, Lehman, Linney, Love, Mauney, IcClammy, Merrimon, Moore, Murphy, Olds, Robbins of Davidson, Skinner, Troy, Waddell, Whitesides and Worth—33.

Negative-None.

S. B. 8, a bill to be entitled an act to incorporate the Mehanics Association of Wilmington.

The amendments offered by the Committee on Corporations were adopted, and the bill passed the third time. Yeas 36; lays none.

Affirmative—Messrs. Adams, Albright, Battle, Beasley, Brogden, Brown, Cook, Crowell, Currie, Dargan, Edwards, Ileming, Flythe, Gilmer, Graham of Alamance, Graham of trange, Hyman, King, Ledbetter, Lehman, Linney, Love, fauncy, McClammy, McCotter, Merrimon, Moore, Murphy, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Vaddell, Whitesides and Worth—36.

Negative-None.

S. B. 221, a bill to be entitled an act concerning certain acous improperly commenced.

Pending the consideration of this bill, the hour of  $7\frac{1}{2}$  o'clock having arrived, the special order for that hour, to wit:

S. B. 25, a bill to change the line between the counties of Edgecombe and Nash, was taken up.

The qestion recurring upon the motion to reconsider the vote by which the bill failed to pass its second reading,

Mr. Robbins, of Rowan, called the previous question. The Senate sustained the call, and the motion to reconsider prevailed.

The question then recurring upon the passage of the bill on its second reading,

Mr. Robbins, of Rowan, called the previous question. The Senate sustained the call, and the bill passed the second time. On motion of Mr. Gilmer, the Senate adjourned.

#### FORTY-SIXTH DAY.

SENATE CHAMBER, February 2, 1871.

The Senate met pursuant to adjournment.

Journal of yesterday was read.

Reports upon the following bills were made by Standing Committees, as follows:

By Committee on Internal Improvements, S. B. 309, a bill to be entitled an act to incorporate Marion and Cranberry R. R. Company, with recommendation that it do pass;

S. B. 283, a bill to be entitled an act to amend section 2, chapter 106, public laws 1869-'70, with recommendation that it do pass;

S. B. 334, a bill to be entitled an act in relation to a board of internal Improvement, with amendment;

S. B. 255, a bill to be entitled an act to charter the Catawba Valley Railroad, with amendments.

By Committee on Judiciary, S. B. 327, a bill to be entitled

et allowing Executors and Administrators to plead anew rtain cases, with recommendation that it do pass;

B. 328, a bill to be entitled an act to allow the registraof deeds upon certain proofs, with recommendation that it ass:

B. 313, a bill to be entitled an act in relation to convicts, recommendation that it do not pass;

B. 310, a bill to be entitled an act to repeal certain secof an act entitled an act concerning townships, with nmendation that it do pass;

B. 325, a bill to be entitled an act in relation to entries and in Jackson county, with recommendation that it do

B. 326, a bill to be entitled an act to cure certain errors e jurisdiction of the courts, with the recommendation that pass;

B. 291, a bill to be entitled an act for the better protecof homesteads, asking to be discharged from its further ideration;

B. 276, a bill to be entitled an act to authorize the eme Courts to grant divorces in certain cases, with recendation that it do pass;

B. 286, a bill to be entitled an act concerning the juriscon of Justices of the Peace in certain cases, with recomdation that it do pass.

he hour of  $10\frac{1}{2}$  A. M. having arrived, the special order for hour, S. B. 315, a bill to be entitled an act supplemental act ratified the 23d day of December, 1870, was taken and its further consideration postponed, and the bill made special order for  $10\frac{1}{2}$  A. M. Wednesday 8th February.

communication from Board of Education with accompagresolution was received.

re resolution was read and passed first time and placed on idar.

ne following bills were introduced, read, and passed first, and referred or disposed of otherwise, as follows:

By Mr. Olds, a bill to be entitled an act amending chap 60 of laws of 1869-'70. Placed on calendar.

By Mr. Albright, a bill to be entitled an act to amend sec of chap. 237, of laws of 1868-'69. Referred to committee judiciary.

By Mr. Troy, a bill to be entitled an act to amend an act contitled an act to incorporate the McLean Hook and Ladder Copany, No. 1, of the town of Fayetteville. Referred to comittee on corporations.

By Mr. McClammy, a bill to be entitled an act for the prection of Fairs. Referred to committee on judiciary.

By Mr. Adams, a bill to be entitled an act to incorporate town of Kernersville, in Forsythe county. Referred to comittee on corporations.

By Mr. Waddell, a bill to be entitled an act to amend sec. of chap. 156, of acts of 1868-'69. Referred to judiciary comittee.

By Mr. Cook, a bill to be entitled an act to create aliens take hold and convey lands. Referred to committee on t judiciary.

On motion of Mr. Lehman, leave of absence was granted Mr. Barnett from Monday until the Monday following.

Under a suspension of the rules, the following bills we taken up and disposed of, as follows:

S. B. 167, a bill to be entitled an act to change the corportion boundaries of the town of Lexington, in Davidson count Passed the second and third times. Yeas 41; Nays none.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Beley, Bellamy, Brogden, Brown, Cook, Council, Cowles, Crowe Currie, Dargan, Edwards, Eppes, Fleming, Gilmer, Graham Alamance, Graham of Orange, Hawkins, Hyman, King, Itham, Ledbetter, Lehman, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Norment, Price, Robbins of Dvidson, Robbins of Rowan, Skinner, Speed, Troy, Wadde and Worth—41.

Negative-None.

B. 200, a bill to be entitled an act to amend certain acts spect to banks bills being received in payment of judgs in certain cases. Made special order for 7½ P. M. Mon-6th February.

B. 168, S. B. 270, a bill to be entitled an act to authorize ommissioners of Clay county to levy a special tax for cerpurposes. Passed second time. Yeas 36; Nays 1.

firmative—Messrs. Adams, Albright, Battle, Beasley, Bel-, Brogden, Cook, Council, Cowles, Crowell, Currie, Dar-Edwards, Fleming, Gilmer, Graham of Alamance, Gra-of Orange, Hawkins, Hyman, Lassiter, Latham, Ledbet-Lehman, Linney, Love, Mauney, McClammy, McCotter, imon, Morehead, Norment, Robbins of Davidson, Skin-Troy, Waddell, Whitesides and Worth—36.

gative—Mr. Robbins of Rowan—1.

,B. 138, a bill to be entitled an act to establish and build Vhiteside Mountain Turnpike. Passed the second time ecommitted to Committee on Internal Improvements.

B. 272, a bill to be entitled an act relative to public lands third reading.

Olds moved to amend by inserting the words "or in or smaller sections as the Literary Board may determine." e amendment did not prevail.

e previous question was then ordered and the bill passed urd time. Yeas 31; Nays 13.

irmative—Messrs. Adams, Albright, Allen, Barnett, Cook, iil, Cowles, Currie, Dargan, Edwards, Eppes, Gilmer, mm of Alamance, Graham of Orange, Hawkins, Hyman, mm, Ledbetter, Lehman, Linney, McClammy, Morehead, hy, Norment, Olds, Robbins of Davidson, Robbnis of m, Skinner, Speed, Troy and Whitesides—31.

ng, Flythe, Love, Mauney, McCotter, Merrimon, Wadad Worth—13.

King was excused from voting.

The hour of 12 M. having arrived, the Senate took a recto sit as a court of impeachment.

The court having adjourned, the Senate was called to or by the Chair.

Mr. Robbins, of Davidson, reported as correctly enrolled, act to repeal an act entitled an act to extend the corpor limits of the town of Lumberton.

Resolution in regard to the legal disabilities of Hon. A. Waddell, Hon. Sion H. Rogers.

An act to provide for the election of a tax collector for I coln county.

An act in relation to election of Keeper of the Capitol.

An act concerning the poor house of Lincoln county.

An act to allow the commissioners of Orange county to a special tax.

An act to incorporate the town of Jackson, in the count Craven, by the name and style of the town of Stonewall, where ratified and transmitted to the Secretary of State.

Mr. Currie, from Committee on Engrossed Bills, reported correctly engrossed, the following bills:

S. B. 40, a bill to be entitled an act to repeal certain part chapter 170, laws of 1868-'69;

S. B. 338, a bill to be entitled an act in relation to print the statutes.

On motion of Mr. Robbins, of Rowan, the Senate adjourn

## FORTY-SEVENTH DAY.

SENATE CHAMBER, February 3d, 1871

The Senate met pursuant to adjournment.

Journal of yesterday was read.

Reports from Standing Committees were received as lows:

From Committee on Internal Improvements, S. B. 258, a bill to be entitled an act to incorporate the Tar River Railroad Company, with amendments.

From Committee on Finance, S. R. 285, resolution in favor of B. A. Howell, late sheriff of Robeson county, with recommendation that it do pass.

From Committee on Engrossed Bills, S. B. 151, a bill to be entitled an act to punish officers and agents of Railroad Companies, and other persons, for embezzlement and other offences.

S. R. 149, resolution in favor of Hackney Pool;

S. B. 319, a bill to be entitled an act to incorporate the Trustees of the Yates Academy, in Chatham county;

S. B. 201, a bill to be entitled an act to amend an act to incorporate the Wilmington Steam Fire Engine Company;

S. B. 195, a bill to be entitled an act to compel the President and Directors of the several Railroads in the State to account with their successors in office for the property and effects of said Company;

S. B. 253, a bill to be entitled an act in relation to town lots in Franklin, North Carolina, which, together with S. B. 40, a bill to repeal certain parts of chapter 170, laws of 1868–69, and S. B. 338, a bill in relation to printing the statutes, were transmitted to the House of Representatives for concurrence.

Leave of absence was granted to Mr. Robbins, of Davidson, for Monday next.

Under a suspension of the rules, the following bills were taken up on their second reading and disposed of, as follows:

S. R. 348, resolution in relation to contract of Board of Education with D. P. Bible and S. T. Carrow for the sale of swamp lands in Hyde Tyrrell, and Washington. Re-committed to committee on judiciary, with instructions to take testimony as to the value of the lands in question, and report to the Senate.

S. R. 285, resolution in favor of B. A. Howell, late sheriff

of Robeson county. Read and passed the second and third times. Yeas 42; Nays none.

Affirmative—Messrs. Adams, Albright, Barnett, Battle, Beasley, Bellamy, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Edwards, Eppes, Fleming, Flythe, Graham of Alamance, Graham of Orange, Hyman, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Skinner, Speed, Troy, Waddell, Whitesides and Worth—42.

Negative-None.

H. B. 139, S. B. 209, a bill to be entitled an act to amend an act to create the bank of Statesville. Read and passed the second and third readings. Yeas 35; Nays 3.

Affirmative—Messrs. Adams, Albright, Barnett, Battle, Beasley, Brogden, Brown, Council, Cowles, Crowell, Currie, Edwards, Fleming, Flythe, Graham of Alamance, Graham of Orange, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, Moore, Morehead, Murphy, Robbins, of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whitesides and Worth—35.

Negative—Messrs. Cook, Hyman and McCotter—3.

H. B. 47, S. B. 268, a bill to be entitled an act to incorporate the North Carolina Railroad and Manufacturing Company. Whe amendments offered by the committee on corporations were adopted, and the bill as amended passed the second time.

The bill was then read and passed third time—Yeas 43; Nays 1.

Affirmative—Messrs. Adams, Albright, Barnett, Battle, Beasley, Bellamy, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Skinner, Troy, Waddell, Whitesides and Worth—43.

Negative-Mr. Flythe-1.

The following bills were introduced, read and passed first time and referred, or otherwise disposed of, as follows:

By message from the House of Representatives, H. B. 93, a bill to be entitled an act to change the line between the counties of Wilkes and Alleghany. To committee on propositions and grievances.

H. B. 29, a bill to be entitled an act to authorize C. Austin, sheriff of Union county, and others to collect arrears of taxes. To committee on propositions and grievances.

H. B. 230, a bill to be entitled an act to extend the time of J. M. Roane, sheriff, for making settlement with county treasurer.

H. B. 106, a bill to be entitled an act authorizing the commissioners of Brunswick county to issue bonds. To committee on propositions and grievances.

H. B. 244, a bill to be entitled an act declaratory of the meaning of sec. 34, chap. 225, laws 1868-'69. To committee on judiciary.

H. B. 241, a bill to be entitled an act concerning Rutherford Seminary, in Burke county. To committee on corporations.

H. B. 215, a bill to be entitled an act to incorporate A. M. E. Singing School Society, of Newbern, N. C. To committee on education and literary fund.

H. B. 219, a bill to be entitled an act to provide for the levying of a special tax in the county of Perquimans. To committee on propositions and grievances.

The hour of 12 M. having arrived, the Senate took a recess to set as a court of impeachment.

The court having adjourned, the Senate was called to order by the Chair.

A message was received from the House of Representatives transmitting an amendment in the nature of a substitute marked H. B. 329, for Senate bill 58, a bill to be entitled an act to appoint commissioners to investigate alleged frauds in the disposition of bonds of the State and the proceeds thereof,

issued to Railroad Companies since the 1st day of January, A. D. 1866, and for other purposes.

The question recurring upon concurring in the amendment

by way of substitute, adopted by the House,

And pending the consideration thereof, the Senate adjourned to 7 P. M.

# SENATE CHAMBER, 7-P. M., February 3d, 1870.

The Senate met pursuant to adjournment.

Mr. Merrimon introduced the following bill:

A bill to be entitled an act to amend section 13 of an act entitled an act in relation to landlord and tenant, ratified 10th April, 1869. Read and passed first time and referred to committee on judiciary.

On motion of Mr. Murphy, leave of absence was granted from to-night to Mr. Troy, until Monday evening; to Mr. Hawkins until Monday morning, and to Mr. King until Monday morning.

The Senate then adjourned.

## FORTY-EIGHTH DAY.

SENATE CHAMBER, February 4th, 1871.

Senate met pursuant to adjournment.

Journal of yesterday was read.

Mr. Currie, from Committee on Engrossed Bills, reported the following as correctly engrossed:

S. B. 97, a bill to be entitled an act for the relief of G. B Threadgill and J. L. Moore; S. B. 8, a bill to be entitled an act to incorporate the Mechaics Association of Wilmington.

Amendment adopted by Senate to H. B. 129, S. B. 191, a bill to be entitled an act to authorize the levy of a special tax for the county of Person, which were transmitted to the Rouse for concurrence.

On motion of Mr. McClammy, a message was sent to the House informing that body that the Senate would, at 11 o'clock A. M., proceed to ballot for a Keeper of the Capitol, and that Messrs. McClammy and Lehman would superintend the ballot on the part of the Senate.

A communication from the State Treasurer was received, read and ordered to be printed.

Mr. Norment, from Committee on Public Grounds and Buildings, reported back S. B. 312, a bill to be entitled an act in relation to the Capitol Square and Public grounds in the city of Raleigh, with recommendation that it do pass.

The rules were suspended and S. R. 332, resolution in favor of William Smith, was taken up, read and passed second time.

The resolution was then read third time and laid on table.

A message was received from the House of Representatives transmitting H. B. 58, a bill to be entitled an act to appoint commissioners to investigate alleged frauds in the dispositions of bonds of this State and the proceeds thereof, issued to Railroad Companies since 1st January, 1866, and for other purposes, with substitute adopted by the House marked H. B. 329.

The amendment by way of substitute adopted by the House was concurred in.

A message was received from the House of Representatives transmitting S. B. 256, a bill to be entitled an act in relation to the Wilmington, Charlotte and Rutherford Railroad with amendment adopted by the House. The Senate concurred in the amendment.

The following bills were introduced by message from the

House of Representatives, read and passed first time and referred or otherwise disposed of, as follows:

H. B. 102, a bill to be entitled an act to provide for the appointment of commissioners of wrecks for the county of Hyde. To committee on propositions and grievances.

H. B. 273, a bill to be entitled an act amendatory of an act in relation to burnt records in the county of Clay. To committee on judiciary.

H. B. 249, a bill to be entitled an act to authorize the county commissioners of the counties of Polk and Jackson to levy a special tax. To committee on propositions and grievances.

H. R. 165, resolution to appoint a committee to ascertain the debt of the State. To committee on finance.

H. B. 257, a bill to be entitled an act to incorporate the Hiawassee and Cheoah Turnpike Company. To committee on internal improvements.

H. B. 231, a bill to be entitled an act to amend sections 9 and 10, chapter 81, laws 1868—'69, of an act relative to the Western Turnpike Road. To committee on internal improvements.

H. B. 336, a bill to be entitled an act empowering the Governor to offer a reward for the arrest of Henry B. Lowery and others.

The rules were suspended, and the bill put upon its second reading.

The bill being upon its second reading,

Mr. Robbins, of Rowan, moved the following amendments: strike out five thousand and insert two thousand; add the following to section 1:

Provided, This act shall only apply to such of said persons as have been or may hereafter be regularly outlawed by due course of law.

The amendments were adopted, and the bill passed the second and third times. Yeas 32; Nays 1.

Affirmative--Messrs. Adams, Albright, Battel, Beasley, Brown. Cook, Cowles, Crowell, Currie, Dargan, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Latham, Ledbetter, Linney, Mauney, Merrimon, Moore, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell, Whitesides and Worth—32.

Negative—Mr. Love—1.

The rules were suspended, and the following bills were taken up and acted upon as follows:

S. B. 293, a bill to be entitled an act to repeal certain sections of an act ratified August 17, 1868, entitled an act to organize a militia of North Carolina. Read and passed second and third times. Yeas 35; Nays 2.

Affirmative—Messrs. Adams, Albright, Battle, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell, Whitesides and Worth—35.

Negative—Messrs. Eppes and Price—2.

S. B. 138, a bill to be entitled an act to establish and build the Whiteside Mountain Turnpike.

Mr. Love moved a substitute for 6th section, which was adopted, and the bill as amended, passed the third time. Yeas 37; Nays none.

Affirmative—Messrs. Adams, Albright, Battle, Beasley, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Latham, Ledbetter, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowau, Skinner, Waddell, Whitesides and Worth—37.

Negative-None.

A message was received from the House transmitting S. B.

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173, a bill concerning a Convention of the people, together with amendments from conterence committee adopted by the House.

The previous question having been called, the Senate ordered the main question to be put, and the amendments were concurred in. Yeas 32; Nays 9.

Affirmative—Messrs. Adams, Albright, Battle, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Latham, Ledbetter, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell, Warren, Whitesides and Worth—32.

Negative—Messrs. Beasley, Eppes, Flythe, Hyman, Lehman, McCotter, Moore, Olds and Price—9.

Mr. Robbins, of Rowan, moved to reconsider the vote just taken, and to lay that motion on the table. The latter motion prevailed.

A message was received from the House of Representatives concurring in the proposition to go into an election for Keeper of the Capitol at 11 A. M., and announcing Messrs. Guyther and Currie as committee on part of House to superintend said election.

The hour of eleven having arrived, the Senate proceeded to ballot for a Keeper of the Capitol, as follows:

FOR PATRICK McGowan—Messrs. Battle, Cook, Currie, Dargan, Fleming, Graham of Orange, Lehman, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Warren and Whitesides—21.

FOR JOHN H. HILL—Messrs. Albright, Beasley, Bellamy, Brown, Council, Gilmer, Hyman, Latham, Ledbetter and Worth.

FOR MR. PULLEN-Messrs. Cowles and Moore-2.

FOR Mr. GATTIS—Messrs. Graham of Alamance, McCotter and Waddell—3.

Mr. Price voted for Josiah Turner, Jr.

Mr. McClammy, from committee to superintend the election, reported that 133 votes had been cast in all, of which Mr. McGowan received 60; Mr. Hill received 62; Mr. Carmer received 3; Mr. Alexander received 3; Mr. Harris received 2; Mr. Pullen received 2; and Mr. Turner received 1. Necessary to a choice, 67 votes.

The Senate proceeded to ballot again, as follows:

FOR PATRICK McGowan—Messrs. Adams, Albright, Battle, Bellamy, Brown, Cook, Council, Crowell, Currie, Dargan, Fleming, Gilmer, Graham of Orange, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, Merrimon, Moore, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell, Warren, Whitesides and Worth—34

FOR MR. JOHN H. HILL—Messrs. Eppes and Flythe—2. FOR MR. GATTIS—Messrs. Beasley, Graham of Alamance, Hyman and McCotter—4.

The hour of 12 M. having arrived, the Senate took a recess to sit as a court of impeachment.

The court having adjourned, the Senate was called to order by the Chair.

Mr. McClammy, from the Committee to superintend the election for Keeper of the Capitol, reported as follows:

Whole number of votes cast, 124; necessary to a choice, 63; Mr. McGowan received 96; Mr. Hill 10; Scattering, 18.

Patrick McGowan having received a majority of all the votes cast, was declared duly elected.

trown, Council, Gilmer, livings, Lathum, Lodt etter and

For Mr. Garrie-Mosers; Girabata of Alamanon McCot-

Vog Ma. Purnes-Messys Cowles and Voore-S

Mr. Price voted for decish Turner, Jr.

such Asbins of Davidson

The Senate then adjourned.

#### FORTY-NINTH DAY.

SENATE CHAMBER, February 6th, 1871.

The Senate met pursuant to adjournment.

The journal of yesterday was read.

The Committee on Education and Literary Fund, reported S. B. 359, H. B. 25, an act to be entitled an act to incorporate the A. M. E. Singing Society of Newbern, North Carolina, and recommend its passage.

Mr. Gilmer introduced a resolution in favor of Alexander M. Turner, which was read and passed first time and referred to committee on claims.

A communication from the Auditor of the State, in reference to resolution of inquiry, was received and ordered to be printed.

Mr. Waddell was temporarily placed upon the Committee on Enrolled Bills, during the absence of Mr. Robbins, of Davidson.

Bills upon their third reading being in order, S. B. 25, a bill to be entitled an act to change the line between the counties of Edgecombe and Nash, was taken up.

Mr. Bellamy moved to insert the following:

Provided, No change shall be made in the county line between Edgecombe and Nash until a majority of the voters living in the territory proposed to be attached to Nash shall decide by vote that they desire such change, and the county of Nash shall assume and pay a part of the debt of Edgecombe in proportion to the amount of property and polls taken from Edgecombe and attached to Nash.

A division of the question having been called for by Mr. Morehead, the Chair proceeded to put the question upon the first part of the amendment.

Upon this question the yeas and nays were demanded. The Senate agreed thereto, and the first part of the amendment did not prevail. Yeas 10; Nays 22.

Affirmative—Messrs. Beasley, Bellamy, Brogden, Eppes, Flythe, Hyman, Lehman, McCotter, Olds and Price—10.

Negative—Messrs. Adams, Albright, Battle, Brown, Council, Currie, Dargan, Fleming, Gilmer, Graham of Alamance, Ledbetter, Linney, Love, McClammy, Merrimon, Morehead, Murphy, Skinner, Speed, Waddell, Whitesides and Worth—22.

The question then recurring upon the adoption of the second part of the amendment offered by Mr. Bellamy,

Mr. Olds moved the following, as a substitute:

"Provided, Nash county shall be responsible for the sum of \$800, the proportion of the Edgecombe county debt falling to Nash county, in case of such annexation, and which sum when paid shall discharge and release from all further claim in this behalf."

The amendment to the amendment by way of substitute prevailed, and the amendment as amended was then adopted.

The question then recurring on the passage of the bill as amended on its third reading,

Mr. Merrimon demanded the previous question. The Senate sustained the call, and the main question was ordered to be put, and the bill passed third time. Yeas 24; Nays 8.

Affirmative—Messrs. Adams, Albright, Battle, Brown, Cook, Council, Currie, Dargan, Fleming, Gilmer, Graham of Alamance, Ledbetter, Linney, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Robbins of Rowan, Skinner, Waddell, Whitesides and Worth—24.

Negative—Messrs. Beasley, Bellamy, Brogden, Eppes, Hyman, Lehman, Love and McCotter—8.

S. B. 320, a bill to be entitled an act to provide for the levy-

ing of a special tax in the county of Bertie on its third reading, was taken up.

Mr. Olds moved to amend the bill by inserting after words "qualified voters," the words "voting thereon." The amendment prevailed and the bill passed third time. Yeas 22; Nays 5.

Affirmative—Messrs. Adams, Albright, Battle, Beasley, Brogden, Brown, Council, Crowell, Dargan, Fleming, Flythe, Gilmer, Graham of Alamance, Linney Love, Mauney, McClamny, McCotter, Morehead, Murphy, Whitesides and Worth—22.

Negative—Messrs. Eppes, Hyman, Lehman, Merrimon and Robbins of Rowan—5.

The hour of 11 A. M. having arrived, the Senate took a recess to sit as a court of impeachment.

The court having adjourned, the Senate was called to order by the Chair.

Mr. Robbins, of Rowan, moved that 350 copies of the proceedings of each day of the Senate, sitting as a court of impeachment, be printed instead of 100 as heretofore ordered.

Mr. McClammy moved to amend by adding the following: That the copies remaining after supplying the desks of the Senate, House of Representatives, the counsel and of the managers, shall be distributed equally among the Senators.

The amendment prevailed, and the resolution of Mr. Robbins

of Rowan, was adopted.

Mr. Norment moved to rescind the order of the Senate requiring night sessions to be held.

Upon this motion, Mr. Cook demanded the yeas and nays. The Senate agreed thereto, and the motion to rescind did not prevail. Yeas 10; Nays 21.

Affirmative—Messrs. Bellamy, Dargan, Eppes, Fleming, Jones, Murphy, Norment, Price, Skinner and Speed—10.

Negative—Messrs. Adams, Albright, Battle, Beasley, Brown, Cook, Council, Cowles, Curric, Gilmer, Graham of Alamance.

yman, Linney, Love, Mauney, McClammy, McCotter, Moread, Robbins of Rowan, Waddell and Whitesides—21.
On motion of Mr. Moore, the Senate adjourned.

## SENATE CHAMBER, 7 P. M., February 6th, 1871.

The Senate met pursuant to adjournment.

On motion of Mr. Murphy, leave of absence was granted one week from Saturday morning to Mr. Flythe.

On leave granted, Mr. Cook introduced a bill to be entitled act in relation to payment of costs by Jesse T. Furguson, which was read and passed first time. Mr. Cook moved to suspend the rules to put the bill on its reral readings, and upon this motion demanded the yeas and ys. The Senate agreed thereto, and the motion to suspend rules prevailed. Yeas 25; Nays 3.

Affirmative—Messrs. Adams, Albright, Battle, Beasley, ogden, Brown, Cook, Council, Dargan, Eppes, Fleming, the, Hyman, Lehman, Linney, Love, Mauney, McClammy, Cotter, Merrimon, Murphy, Price, Troy, Whitesides and orth—25

Negative—Messrs. Gilmer, Graham of Alamance and ls—3.

The bill was then referred to Committee on Propositions and ievances, and the Senate adjourned.

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## FIFTIETH DAY.

SENATE CHAMBER, February 7th, 1871

The Senate met pursuant to adjournment.

The journal of yesterday was read.

On motion of Mr. Gilmer, leave of absence from Frimorning until Monday was granted to Mr. McClammy.

On motion, leave was granted to Mr. Troy, to have his na recorded in the affirmative on the vote by which the Ser concurred in the amendments to be adopted by the Hous Representatives to S. B. 173, a bill to be entitled an act a cerning a Convention of the people.

Mr. Edwards was granted leave to have his name recor in the affirmative on same bill.

A message was received from the House of Representat transmitting S. B. 302, a bill to be entitled an act to prov for payment of witnesses in the impeachment trial of W. Holden, with accompanying amendments thereto. The Secondaries in the amendments.

Mr. Merrimon moved to reconsider the vote just taken, to lay that motion on the table. The latter motion prevai

Mr. Graham, of Orange, introduced a bill to be entitled act to incorporate Christ Church Reliet Society of Newb N. C., which was read and passed first time, and referre committee on corporations.

Mr. Edwards introduced a bill to be entitled an act in tion to the removal of the county seat of Halifax county. It and passed first time, and referred to committee on proptions and grievances.

On motion of Mr. Albright, the rules were suspended S. B. 313, a bill to be entitled an act in relation to convwas taken up on its second reading.

Mr. Worth moved the following as an additional section "Section 3. That the Commissioners of the Penitentiary

rected to receive into the Penitentiary all convicts sentenced a term of two years or longer."

The amendment prevailed.

Mr. Troy moved to add the following to section 2: "and to State shall not be liable for the maintenance of convicts ntil they shall have been received at the Penitentiary. The nendment prevailed.

Mr. Cook moved to recommit the bill to the judiciary comittee with instructions.

Mr. Robbins, of Rowan moved, to lay the bill upon the table. pon this question Mr. Love demanded the yeas and nays. the Senate agreed thereto, and the motion to lay on the table id not prevail. Yeas 15; Nays 27.

Affirmative—Messrs. Battle, Beasly, Bellamy, Brogden, appes, Flythe, Hawkins, Hyman, Lehman, McCotter, Nortent, Price, Robbins of Rowan, Skinner and Whitesides—15. Negative—Messrs. Adams, Albright, Brown, Cook, Cowles, arowell, Currie, Dargan, Edwards, Fleming, Gilmer, Graham Alamance, Graham of Orange, Jones, Latham, Ledbetter, inney, Love, Mauney, McClammy, Merrimon, Morehead, 1999, Robbins of Davidson, Troy, Waddell and Worth—27. The motion to recommit the bill then prevailed.

On motion of Mr. Cowles, the rules were suspended and S. 267, H. B. 142, a bill to be entitled an act relative to the le of land by the commissioners of the town of Marion, was ken up on its second reading.

Mr. Fleming moved to amend as follows: "Strike out word Henderson" and insert word "Logan;" add the following to letion 1: and the title made to M. M. Teague, for a part of tenderson street be included within the provisions of this act. The amendment prevailed, and the bill passed the second add third times. Yeas 39; Nays none.

Affirmative—Messrs. Adams, Albright, Beasley, Bellamy, rogden, Cook, Council, Cowles, Crowell, Currie, Dargan, dwards, Eppes, Fleming, Flythe, Gilmer, Graham of Alarance, Graham of Orange, Hawkins, Hyman, Latham, Led-

better, Lehman, Linney, Love, Mauney, McClammy, McCotts Merrimon, Moore, Morehead, Murphy, Olds, Robbins of Davison, Skinner, Speed, Troy, Waddell and Worth—39.

Negative-None.

On motion of Mr. Dargan, the rules were suspended, a S. B. 250, a bill to be entitled an act to encourage immigration into North Carolina, and to increase the capital of the State on its second reading, was taken up and read.

Mr. Dargan moved to add the following to section 1:

"And the commissioner shall have power, with the advice the Governor, to appoint one or more persons to act as assista commissioner without salary, resident in Great Britain, Franand Germany."

The amendment prevailed.

Mr. Olds moved to add the following:

"Until the said company shall have sold stock to bona for purchasers amounting to one hundred thousand dollars, least, and at not less than fifty cents in the dollar, and then a thereafter the salary shall be one thousand dollars per annut to be paid by the Public Treasurer, upon certificates show that the above conditions are complied with."

The amendment did not prevail.

The bill then passed second time, and was put upon its thir reading, pending which, the hour of 11 A. M. having arrive the Senate took a recess to sit as a court of impeachment.

3 The court having adjourned, the Senate was called to or by the Chair.

Mr. Waddell, from Committee on Enrolled Bills, reported correctly enrolled,

An act to authorize the levy of a special tax for the cour of Person.

An fact in relation to pay of witnesses attending the cor of impeachment, which were duly ratified and transmitted the Secretary of State.

On motion of Mr. Robbins, of Rowan, the Senate adjourned

#### FIFTY-FIRST DAY.

## SENATE CHAMBER, February 8th, 1871.

The Senate met pursuant to adjournment.

The journal of yesterday was read.

Leaves of absence was granted to Mr. Albright from tomorrow until Tuesday; to Mr. Beasley for one week, from Tuesday morning, and to Mr. Currie from Friday morning to Tuesday morning.

Mr. Currie, from Committee on Engrossed Bills, reported as correctly engrossed the following:

- S. B. 138, a bill to be entitled an act to establish and build the Whiteside Mountain Turnpike;
- S. B. 197, a bill to be entitled an act to change the coporation boundaries of the town of Lexington, in Davidson county;
- S. B. 272, a bill to be entitled an act in relation to Public Lands.
- S. R. 285, a resolution in favor of Benjamin A. Howell, late sheriff of Robeson county;
- S. B. 293, a bill to be entitled an act to repeal certain sections of an act ratified August 17th, 1868, entitled an act to organize a militia of North Carolina;
- S. B. 320, a bill to be entitled an act to allow the commissioners of Bertie county, to levy a special tax of \$6,000, which was transmitted to the House of Representatives for concurrence.

Amendments to following bills were also reported as correctly engrossed to H. B. 47, S. B. 268, a bill to be entitled an act to incorporate the North Carolina Railroad and Manufacturing Companies;

H. B. 160, S. B. 190, a bill to be entitled an act for the general relief of sheriffs.

H. B. 336, S. B. 370, a bill to be entitled an act empowering he Governor to offer a reward for the arrest of Henry Berry

Lowery and others, which together with the bills, were transmitted to the House for concurrence.

Mr. Albright introduced a bill to be entitled an act to amend chapter 233 of laws of 1869-70. Read and passed first time and referred to judiciary committee.

Mr. Edwards introduced a resolution in regard to depositions taken in the contested election cases in 21st Senatorial District, which was read and adopted.

Mr. Love introduced a resolution in favor of contractors on Western Division of Western North Carolina Railroad. Read and adopted.

Mr. Troy introduced a resolution of enquiry relative to the promised subscription by the citizens of Raleigh to the building of the Penitentiary. Read and adopted.

Mr. Worth, from Committee on Agriculture and Mining, reported back S. B. 311, a bill to be entitled an act to incorporate the Tomotla Iron Company, with recommendation that it do pass.

The hour having arrived for the consideration of the special order, S. B. 347, H. B. 315, a bill to be entitled an act supplemental to an act ratified on the 23d day of December, A. D. 1870,

The bill was, on motion of Mr. Skinner, made the special order tor 10½ A. M. Wednesday, 15th February.

The unfinished business of yesterday, S. B. 250, a bill to be entitled an act to encourage immigration into North Carolina and to increase the capital of the State, on its third reading,

Mr. Olds moved the following amendment, to come in after the word "salary" in section 1, "and without any pay directly from the State, for either the President or agents during the existence of this charter."

Mr. Olds called the previous question. The Senate sus tained the call, and ordered the main question to be put.

The question recurring upon its adoption, the amendmen did not prevail.

The bill then passed the third time. Yeas 39; Nays 3.

Affirmative—Messrs. Adams, Albright, Battle, Beasley, Bellamy, Brown, Cook, Council, Cowles, Crowell, Currie, Edwards, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Jones, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whitesides and Worth—39.

Negative—Messrs. Brogden, Eppes and Hyman—3.

Ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

Under a suspension of the rules, S. B. 222, a bill to be entitled an act to charter the Citizens' Bank, was taken up, on its second reading,

Mr. Gilmer moved to strike out word "March," and insert "April" in first section, and to strike out word "April," and insert word "May" in the same section.

The amendments prevailed, and the bill passed second and third readings. Yeas 36; Nays none.

Affirmative—Messrs. Adams, Albright, Battle, Beasley, Bellamy, Brogden, Brown, Council, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, Merrimon, Murphy, Norment, Skinner, Troy and Whitesides—36.

Negative-None.

The hour of 11 A. M. having arrived, the Senate took a eccess to sit as a court of impeachment.

The court having adjourned, the Senate was called to order by the Chair.

Mr. Latham moved that when the Senate adjourns it will djourn until to-morrow morning, 10 o'clock. The motion revailed.

Mr. Robbins, of Davidson, reported as correctly enrolled, An act concerning a Convention of the People; An act creating a Commission to enquire into charges of corruption and fraud;

An act to amend an act entitled an act to regulate the manner of applying for pardons, chapter 171, ratified March 28th, 1870, which were duly ratified and transmitted to the Secretary of State.

The Senate then adjourned.

## FIFTY-SECOND DAY.

SENATE CHAMBER, February 9th, 1871.

The Senate met pursuant to adjournment.

Journal of yesterday was read.

Leaves of absence were granted to Mr. Currie from Friday; to Mr. Murphy from Saturday morning until Tuesday morning.

Mr. Currie reported as correctly engrossed, the amendments adopted by the Senate to H. B. 142, S. B. 267, a bill to be entitled an act in relation to the sale of land by the commissioners of the town of Marion, which, together with the bill and with S. B. 25, a bill to be entitled an act to change the line between the counties of Edgecombe and Nash, was sent to the House for concurrence.

Mr. Graham, of Orange, introduced a resolution in favor of Erasmus D. Haynes, which was read and passed first time and referred to committee on claims.

On motion of Mr. Linney, the rules were suspended and S. B. 221, a bill to be entitled an act concerning certain actions improperly commenced, was taken up on its third reading.

Mr. Merrimon moved a substitute for the bill.

Mr. Gilmer moved an amendment, the same in text as S B. 326, a bill to be entitled an act to cure certain errors in the jurisdiction of courts, as a substitute.

The bill and substitutes were then recommitted to the committee on the judiciary.

On motion of Mr. Fleming, S. R. 332, resolution in favor of William Smith, was taken up on its third reading.

Mr. Love moved the following amendment to section 1:

Provided, Said sum so allowed to be paid shall only be paid out of such tax fund as is collected or may be collected under authority of chapter 36, laws of 1868-'69.

The amendment prevailed and the resolution passed the third time. Yeas 40; Nays none.

Affirmative—Messrs. Adams, Allen, Battle, Beasley, Bellamy, Brogden, Brown, Cook, Cowles, Currie, Dargan, Edwards, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, King, Latham, Ledbetter, Linney, Love, Mauney, McClammy, Merrimon, Moore, Murphy, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell and Worth—40.

Negative-None.

The hour of 11 A. M. having arrived, the Senate took a recess to sit as a court of impeachment.

The court having adjourned, the Senate was called to order by the Chair.

Mr. Moore, from the Committee on Corporations, reported the following bills severally, recommending their passage:

S. B. 297, a bill to be entitled an act to incorporate the town of Lincolnton;

S. B. 307, a bill to be entitled an act to incorporate the Trustees of Augsburg Male and Female Academy;

S. B. 340, H. B. 275, a bill to be entitled an act to incorporate the town of Gibsonville, in the county of Guilford;

S. B. 343, H. B. 251, a bill to be entitled an act to incorporate the town of Waynesville, in the county of Haywood;

S. B. 350, a bill to be entitled an act to amend section 15 of chapter 156, of acts of 1868-'69;

S. B. 351, a bill to be entitled an act to incorporate the town of Kernersville, in Forsythe county;

S. B. 353, a bill to be entitled an act to amend an act entitled an act to incorporate the McLean Hook and Ladder Company number 1 of the town of Fayetteville.

S. B. 358, H. B. 241, a bill to be entitled an act concerning Rutherford Seminary, in Burke county;

S. B. 375, a bill to be entitled an act to incorporate Christs Church Relief Society of Newbern, N. C.

On motion of Mr. Moore, leave of absence was granted to Mr. Price till Monday next.

On motion of Mr. Jones, the Senate adjourned.

#### FIFTY-TH1RD DAY.

SENATE CHAMBER, February 10, 1871.

The Senate met pursuant to adjournment.

The journal of yesterday was read.

On motion of Mr. Cowles, leave of absence was granted to Mr. Graham, of Alamance, for Saturday.

Reports from Standing Committees were received as follows:

From Committee on Judiciary, with recommendation that they do severally pass,

S. B. 262, a bill to be entitled an act amendatory of an act entitled proceedings in *habeas corpus*, ratified the 6th day of April, A. D. 1869;

S. B. 335, a bill to be entitled an act in relation to punishishment of arson and burglary;

S. B. 352, a bill to be entitled an act for the protection of fairs.

The same Committee reported S. R. 348, resolution in relation to contract of Board of Education with D. P. Bible and

S. T. Carrow, for the sale of swamp lands in Hyde, Tyrrell, and Washington; and also a report from Joint Committee on Insane Asylum, and asked to be discharged from the further consideration thereof. The report was concurred in.

The same Committee also reported S. B. 376, a bill to be entitled an act to amend chapter 233 of laws 1869---'70, with recommendations that it do not pass, and

S. B. 221, a bill to be entitled an act concerning certain actions improperly commenced, with an amendment, the same in text as S. B. 326, as a substitute therefor.

From Committee on Corporations, reported favorably on S. B. 239, a bill to be entitled an act to incorporate Clay Lodge, No. 301, Ancient York Masons, and unfavorably on S. B. 294, a bill repealing chapter 60, of the Revised Code.

The following bills were then introduced, read and passed first time, and referred or otherwise disposed of, as follows:

By Mr. Speed, a bill to be entitled an act for the promotion of Immigration and the settlement of the unimproved lands of the State. Ordered to be printed and referred to committee on internal improvements.

By Mr. Hyman, a bill to be entitled an act in favor of Nathaniel R. Jones, sheriff of Warren county.

By Mr. Cowles, a bill to be entitled an act in relation to the records of land grants in the office of the Secretary of State. To committee on propositions and grievances.

By Mr. Crowell, a resolution in favor of Jonas W. Derr. To committee on claims.

By Mr. Edwards, a resolution in favor of Burgess Montgomery. To committee on claims.

By Mr. Graham, of Alamance, a bill to be entitled an act to authorize the county commissioners of Alamance county, to revise the jury list of said county. Placed on the calendar.

The Committee on Engrossed Bills, reported as correctly engrossed the following bills:

S. B. 250, a bill to be entitled an act to encourage Immigra-

tion into North Carolina, and to increase the capital of the State;

S. B. 222, a bill to be entitled an act to charter the Citizens Bank;

S. R. 332, resolution in favor of Wm. Smith, which were transmitted to the House of Representatives for concurrence.

A message was received from the House of Representatives transmitting an engrossed copy of amendments adopted by the House to S. B. 175, a bill to be entitled an act for the benefit of the Western North Carolina Railroad Company.

The question recurring upon concurrence in the amendments, the amendments were concurred in.

H. B. 214, a bill to be entitled an act to annex a part of Rutherford county to Burke county. Read and passed first time, and referred to committee on propositions and grievances.

The rules were suspended, and the following bills were taken up and acted upon as follows:

S. B. 269, H. B. 213, a bill to be entitled an act to make a failure to work on public roads a misdemeanor. Read and passed the second time, and made special order for  $7\frac{1}{2}$  P. M.

A bill to be entitled an act in favor of Nathaniel R. Jones, sheriff of Warren county. Read and passed second and third times. Yeas 36; Nays none.

Affirmative—Messrs. Adams, Allen, Beasley, Bellamy, Brogden, Brown, Cook, Cowles, Crowell, Edwards, Eppes, Fleming, Flythe, Graham of Alamance, Graham of Orange, Hawkins, Hyman, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McCotter, Merrimon, Moore, Morehead, Murphy, Olds, Robbins of Davidson, Skinner, Speed, Waddell, Whitesides and Worth—36.

Negative-None.

S. R. 314, resolution in favor of Henry Biggs. Read and passed second and third times. Yeas 34; Nays 1.

Affirmative—Messrs. Adams, Allen, Battle, Beasley, Brogden, Brown, Cook, Cowles, Edwards, Eppes, Fleming, Flythe, Graham of Alamance, Graham of Orange, Hawkins, Hyman,

Jones, King, Latham, Ledbetter, Lehman, Love, Mauney, McCotter, Merrimon, Moore, Morehead, Robbins of Davidson, Skinner, Speed, Troy, Waddell, Whitesides and Worth—34.

Negative—Mr. Bellamy—1.

Ordered to be engrossed and forthwith transmitted to House of Representatives for concurrence.

S. B. 358, H. B. 241, a bill to be entitled an act concerning Rutherford Seminary, in Burke county. Read and passed second and third times. Yeas 39; Nays none.

Affirmative—Messrs. Adams, Allen, Beasley, Bellamy, Brogden, Brown, Cook, Council, Cowles, Crowell, Edwards, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, King, Ledbetter, Lehman, Linney, Love, Mauney, McCotter, Merrimon, Moore, Morehead, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whitesides and Worth—39.

Negative—None.

S. B. 359, H. B. 215, a bill to be entitled an act to incorporate the A. M. E. Singing School Society of Newbern, North Carolina. Read and passed second and third times. Yeas 39; Nays 1.

Affirmative—Messrs. Adams, Allen, Beasley, Brogden, Brown, Cook, Council, Cowles, Growell, Dargan, Edwards, Eppes, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McCotter, Merrimon, Moore, Morehead, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whitesides and Worth--39.

Negative-Mr. Fleming-1.

The hour of 11 A. M. having arrived, the Senate took a recess to sit as a court of impeachment.

The court having adjourned, the Senate was called to order by the Chair.

The Committee on Propositions and Grievances reported favorably on the following bills:

S. B. 365, H. B. 102, a bill to be entitled an act to provide

for the appointment of commissioner of wrecks for the county of Hyde;

S. B. 357, H. B. 230, a bill to be entitled an act to extend the time of J. M. Roane, sheriff of Macon county, for making settlements with the county treasurer;

S. B. 364, H. B. 106, a bill to be entitled an act authorizing the cemmissioners of Brunswick county to issue bonds, with accompanying amendments.

S. B. 367, H. B 149, a bill to be entitled an act to authorize the county commissioners of the counties of Polk and Jackson to levy a special tax;

S. B. 360, H. B. 219, a bill to be entitled an act to provide for the levying of a special tax in the county of Perquimans;

S. B. 361, H. B. 93, a bill to change the line between the counties of Wilkes and Alleghany;

S. B. 330, a bill to be entitled an act to authorize the commissioners of Rockingham county to issue bonds to levy a special tax to fund and pay off the county debts;

S. B. 362, H. B. 29, a bill to be entitled an act to authorize C. Austin, former sheriff of Union county and others to collect arrears of taxes, with accompanying amendments.

S. B. 303, a bill to be entitled an act authorizing the commissioners of Edgecombe county to issue bonds, with accompanying amendments.

S. B., a bill to be entitled an act in relation to the sale of spirituous liquors in the town of Asheville, and unfavarably on S. B. 374, a bill to be entitled an act in relation to the removal of the county seat of Halifax county.

Leave of absence was granted to Mr. Adams from Monday morning to Wednesday morning, and to Mr. Gilmer for to-morrow,

Mr. Robbins, of Davidson, reported the following as correctly enrolled:

An act to incorporate the trustees of Yale Academy, in Chatham county;

An act for the general relief of sheriffs and tax collectors;

An act to incorporate the North Carolina Railroad and Manufacturing Company;

Resolution in regard to pages, which were ratified and transmitted to the Secretary of State.

On motion, the Senate adjourned.

# SENATE CHAMBER, 7 P. M., Feb. 10, 1871.

The Senate met pursuant to adjournment.

The following bills were introduced by message from the louse of Representatives, read and passed the first time, and eferred or otherwise disposed of, as follows:

H. B. 226, a bill to be entitled an act to provide for public astructions.

H. B. 43, a bill to be entitled an act to prevent the felling f trees into Little river, &c. Referred to committee on prositions and grievances.

H. B. 220, a bill to be entitled an act to authorize A. S. Hill, neriff of Cherokee county, to collect arrears of taxes. Referred committee on propositions and grievances.

H. B. 232, a bill to be entitled an act to authorize the county ommissioners of Macon to levy a special tax. Referred to ommittee on propositions and grievances.

H. B. 267, a bill to be entitled an act to amend the charter the Cheoah Turnpike Company Road. Referred to comtittee on internal improvements.

H. B. 308, a bill to be entitled an act in favor of Wm. A. hilpot, sheriff of Granville county. Referred to committee on ropositions and grievances.

H. B. 325, a bill to be entitled an act to authorize the Pub-Treasurer to pay the expenses on requisitions made by the overnor for fugitives from justice in other States. Referred judiciary committee. H. B. 352, a bill to be entitled an act to incorporate the Warm Spring Colony. Referred to committee on corporations.

H. B. 268, a bill to be entitled an act to authorize the commissioners of Chowan county to levy a special tax. Referred to committee on propositions and grievances.

On motion of Mr. Cook, the rules were suspended, and S. B. 373, a bill to be entitled an act in relation to payment of costs by Jesse T. Ferguson, sheriff of Wilkes county on its second reading.

The question recurring upon its passage the bill did not pass.

The hour having arrived for its consideration, the special order S. B. 269, H. B. 213, a bill to be entitled an act to make a failure to work on public roads a misdemeanor,

Mr. Murphy moved to amend by inserting the words, "be fore a justice of the peace," after word construction in section 1

The amendment prevailed, and the bill passed the third reading. Yeas 26; Nays 3.

Affirmative—Messrs. Adams, Allen, Battle, Brown, Council Cowles, Crowell, Fleming, Jones, King, Latham, Ledbetter Lehman, Linney, Love, Mauney, McCotter, Murphy, Robbin of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whitesides and Worth—26.

Negative—Messrs. Beasley, Brogden and Hyman—3.

The consideration of bills on their third reading, being now in order, the following bills were taken up and acted upon a follows:

S. B. 270, H. B. 168, a bill to be entitled an act to authoriz the commissioners of Clay county to levy a special tax for ce tain purposes, read and passed the third time. Yeas 21 Nays 5.

Affirmative—Messrs. Adams, Beasley, Brogden, Cook, Cour cil Cowles, Crowell, Fleming, Graham of Orange, Jones, Lebetter, Lehman, Linney, Love, Mauney, McCotter, Merrimor Morehead, Olds, Troy and Worth—21.

Negative—Messrs. Allen, Murphy, Robbins of Davidson, Robbins of Rowan and Skinner—5.

S. R. 308, resolution in favor of R. S. Tucker. Read and assed third time. Yeas 17; Nays 15.

Affirmative—Messrs. Allen, Battle, Brown, Council, Edvards, Eppes, Graham of Orange, Hawkins, Hyman, Jones, Latham, Ledbetter, Lehman, Morehead, Murphy, Robbins of Rowan and Skinner—17.

Negative—Messrs. Adams, Brogden, Cowles, Crowell, Pleming, King, Linney, Love, Mauney, Merrimon, Robbins f Davidson. Troy, Waddell, Whitesides and Worth—15.

On motion of Mr. Merrimon, the Senate adjourned.

## FIFTY-FOURTH DAY.

SENATE CHAMBER, February 11th, 1871.

The Senate met pursuant to adjournment.

Journal of yesterday was read.

Mr. Brogden offered the following protests of Senators, which were read and ordered to be spread upon the journal:

## PROTEST.

We, the undersigned Senators, hereby enter our protest gainst the bill making the Wilmington and Weldon Railroad he dividing line between the counties of Edgecombe and Jash.

We believe it is unfair for this General Assembly to pass a aw that transfers a considerable portion of the territory and he inhabitants of the county of Edgecombe to the county of lash, without even submitting the question to the qualified roters of that part of Edgecombe thus transferred.

We regard it as one of the most extraordinary bills that has

ever been passed by the General Assembly of North Carolina. It declares that the Wilmington and Weldon Railroad shall be the dividing line between the counties of Edgecombe and Nash. It will sever and divide the precincts, townships, and incorporated towns through which the Railroad runs. It will create confusion and dissatisfaction among the people in that

There is more than one thousand miles of railroad running through different sections of North Carolina, and yet there is not another single mile of railroad in the State that is made the dividing line between counties.

The bill transferring a large portion of the territory and inhabitants of Edgecombe to Nash, is without precedent in our legislative history, and we are unwilling to sanction the perpetration of such an act of injustice and wrong upon the people of Edgecombe, without allowing them, at least a fair opportunity of being heard upon this subject.

It transfers probably more than two hundred and fifty qualified voters, and four hundred thousand dollars of taxable property from the county of Edgecombe to the county of Nash, and the Senate by a direct vote positively refused to allow the question of the transfer to be submitted to the qualified voters who are thus transferred from one county to another, like stock or dumb beasts upon a farm.

For the foregoing reasons and considerations, we voted against the bill making the Wilmington and Weldon Railroad the dividing line between the counties of Edgecombe and Nash.

Respectfully submitted,

C. H. BROGDEN,
JACOB McCOTTER,
N. B. BELLAMY,
GEO. W. PRICE, Sr,
HENRY EPPES,
JOHN A. HYMAN,
J. W. BEASLEY.

Senate Chamber, February 11th, 1871.

#### PROTEST.

We, the undersigned, Senators, hereby enter this their rotest against the resolution passed by the Senate on the 0th inst., by a vote of 17 to 15 on the third reading, to pay R. S. Tucker nine thousand dollars (\$9,000) for Confederte currency, alleged to have been loaned to the Public Treaster in the year 1863, in part by Churchill Perkins, in part by lenry Mordecai, and in part by David Hinton. This constituted the so-called "Tucker Claim," and as such it has been lowed by this Senate, although it was unknown to the enate whether said "Tucker" had ever paid even a single bllar for said claim.

There is no guarantee that the State will not, at some future me, be called on again to pay to the original claimants, their pirs, representatives or assigns, the same claim which was jected by the Legislature before the adoption of our present postitution, and was again rejected by the Legislature at the session of 1868—'69, and again at the session of 1869—'70.

By reference to Senate journal, page 207, session of 1866--7, it appears that Mr. Gash, from the Committee on Claims, ported against what now purports to be "the Tucker im," as follows:

"The Committee on Claims, to whom was referred the resocion in favor of C. Perkins, has had the same under considution, and beg leave to make the following report, viz: at the said Perkins did, on the 2nd day of February, 1863, and to the Treasurer of the State, for the use of the State easurer, the sum of seven thousand and fifty-five dollars, in nfederate currency, and that the same was used and paid to by the Treasurer indiscriminately as other funds of the easury, for salaries, per diem of members of the General sembly, bounties to soldiers, &c., &c., under the various and resolutions of the Legislature and Convention approating money.

Your Committee finds the Convention ratified an ordinance on the 12th day of May, 1862, authorizing the issuing of two millions of dollars of treasury notes. The second section of said ordinance authorized the Treasurer, on certain conditions to borrow money from the banks, and other sources, in lieu of the treasury notes so authorized.

Your Committee presumes the money was so borrowed under the authority of the ordinance, and for the purposed intended by it.

Therefore, the majority of the Committee instruct me to report that, in their opinion, the claim is on the some footing of money borrowed from the banks under the same ordinance and is barred by the ordinance of the Convention, ratified the 19th day of October, 1865, declaring all debts contracted by the State, directly or indirectly, in aid of the rebellion, to be void. Therefore, your Committee respectfully ask to be discharged from its further consideration."

The same claim was also rejected by the House of Common at the same session.

The Constitution of North Carolina, and the Constitution of the United States, which we have all solemnly sworn to support, expressly and positively prohibit and enjoin the General Assembly from ever assuming or paying, or in any manner providing for the payment of any debt, contract or liability created or incurred, directly or indirectly, in aid of the rebellion.

The Confederate currency upon which the so-called "Tuck claim" was predicated, was mixed with other currency of the same kind and paid out indiscriminately.

At the close of the late rebellion the public debt of Norl Carolina was about thirty-five millions of dollars. The large part of that debt was due to the people of this State. Mo than five millions of dollars of State Treasury Notes were le in the hands of the people, entirely worthless. The State w in debt to the sinking fund, more than three million seven hundred and seventy-five thousand dollars. That fund w created for the purpose of being applied towards the payment of the State debt. The State was in debt to the Bank of North Carolina, and the Bank of Cape Fear, two million, one hundred and eighty-four thousand, six hundred and thirty-se ven dollars which the State borrowed from those banks, to assist in supplying the wants of the Public Treasury. The Ltterary Fund owned one million forty-seven thousand and one hundred dollars stock in said banks, which was likewise entirely lost. That was the main fund dedicated to the support of free school education, and yet no proposition has ever been made for the State to pay any part of the tree school money, which the State borrowed and used to pay the general demands on the Public Treasury during the war.

We entertain the opinion that the so-called "Tucker claim" was repudiated by an ordinance passed by the State Convention in October, 1865, by the Constitution of this State, ratified in the year 1868, and by the Constitution of the United States. We are opposed to that peculiar kind of special legislation that makes partial distinctions and discriminations in favor of any one or more individual claimants, and against others of equal justice and validity.

We are opposed to taxing the people to pay confederate laims created in aid of the late rebellion, and which we believe are positively and expressly prohibited by our Constitution. We are opposed to any kind of favoritism or partiality in our egislation, and in favor of equal and exact justice to all men.

For the foregoing reasons and considerations, we voted gainst the so-called "Tucker claim," and ask that they be pread upon the journal of the Senate in explanation of our rote.

Respectfully submitted,
C. H. BROGDEN,
R. W. KING.

Senate Chamber, February 11th, 1871.

Under a suspension of the rules, the following bills were introduced, read and acted upon as follows:

By Mr. Lehman, a bill to authorize the commissioners of the town of Washington to collect taxes heretofore levied. Read and passed its three several readings. Yeas 32; Nays none.

Affirmative—Messrs. Adams, Allen, Beasley, Bellamy, Brogden, Brown, Cook, Council, Cowles, Crowell, Edwards, Eppes, Fleming, Graham of Orange, Hyman, Jones, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McCotter, Merrimon, Morehead, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy and Worth—32.

Negative-None.

By Mr. Robbins, of Rowan, a bill to be entitled an act to transfer Northampton county from the sixth to the first judicial district. Read and passed its three several readings. Yeas 24; Nays 5.

Affirmative—Messrs. Adams, Allen, Beasley, Brown, Council, Cowles, Dargan, Edwards, Fleming, Graham of Orange, Hawkins, Jones, King, Ledbetter, Lehman, Linney, McCotter, Merrimon, Moore, Morehead, Robbins of Davidson, Robbins of Rowan, Troy and Worth—24.

Negative—Messrs. Brogden, Latham, Mauney, Skinner and Speed—5.

Ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

By Mr. Speed, resolution to pay commissioner and clerk for services in Granville and Person contested election. Passed its three several readings. Yeas 29; Nays none.

Affirmative—Messrs. Adams, Battle, Beasley, Brogden, Brown, Cook, Council, Cowles, Crowell, Dargan, Edwards, Eppes, Fleming, Graham of Orange, Hyman, Jones, King, Lehman, Ledbetter, Linney, Love, Mauney, McCotter, Merrimon, Morehead, Robbins of Davidson, Robbins of Rowan, Speed and Worth—29.

Negative-None.

S. B. 392, H. B. 352, a bill to be entitled an act to incorpo-

rate the Warm Spring Colony, on its second reading was also taken up, read and passed the second and third times. Yeas 31; Nays none.

Affirmative—Messrs. Adams, Allen, Battle, Beasley, Brogden, Brown, Cook, Council, Cowles, Crowell, Dargan, Edwards, Eppes, Fleming, Graham of Orange, Hawkins, Hyman, Jones, Latham, Ledbetter, Linney, Leve, Mauney, McCotter, Merrimon, Moore, Morehead, Robbins of Davidson, Robbins of Rowan, Skinner and Worth—31.

Negative-None.

Mr. Love introduced a resolution concerning the Keeper of the Capitol, which was read, and under a suspension of the rules, adopted and ordered to be forthwith engrossed, and transmitted to House of Representatives for concurrence.

Mr. Love introduced a bill in relation to the Penitentiary, which was read and referred to committee on penal institutions.

Mr. Robbins, of Davidson, reported the following bill as correctly enrolled:

An act in relation to printing the general statutes, which was ratified and transmitted to the Secretary of State.

A message was sent to the House of Representatives transmitting S. R., resolution concerning Keeper of the Capitol, and asking the concurrence of the House in its passage.

The hour of 11 A. M. having arrived, the Senate took a reess to set as a court of Impeachment.

The court having adjourned, the Senate was called to order by the Chair.

Mr. Love, from Committee on Propositions and Grievances eported the following bills, H. B. 308, and S. B. 386, a bill to the entitled an act in favor of Wm. A. Philpot, sheriff of Granbille county.

H. B. 332, S. B. 390, a bill to be entitled an act to authorize accounty commissioners of Macon, to levy a special tax;

H. B. 268, S. B. 391, a bill to be entitled an act to authorize the commissioners of Chowan county to levy a special tax;

H. B. 220, S. B. 388, a bill to be entitled an act to authorize

A. S. Hill, sheriff of Cherokee county, to collect arrears of taxes; H. B. 43, S. B. 389, a bill to be entitled an act to prevent the felling of trees into Little river, &c., with recommendation that they do pass.

On motion of Mr. Robbins, of Rowan, the Senate adjourned until Monday at 10 A. M.

# FIFTY-FIFTH DAY.

SENATE CHAMBER, February 13th, 1870.

The Senate met pursuant to adjournment.

Journal of Saturday was read.

On motion of Mr. Graham, of Orange, leave of absence was granted to Mr. Moore until Saturday; to Mr. McCotter from Friday to Monday, and to Mr. Whitesides for to-morrow.

Mr. Robbins, from the Committee on Enrolled Bills, reported as correctly enrolled the following:

An act for the benefit of the Western North Carolina Railroad Company;

An act concerning Rutherford Seminary, in Burke county; An act authorizing the Governor to offer a reward for the arrest of Henry B. Lowery and others;

An act to incorporate the African Methodist Episcopal Singing School Society of Newbern;

An act to authorize the commissioners of Clay county to levy a special tax for certain purposes, which were ratified and transmitted to the Secretary of State

A message was received from the House of Representatives, transmitting S. B. 79, a bill to be entitled an act in relation to salaries and fees of State officers, with amendments thereto.

On motion of Mr. Graham, of Orange, the Senate refused to concur in the House amendments, and Messrs. Graham, o

Orange, Lehman and Love, were appointed as Senate branch of committee of conference.

Mr. Merrimon introduced a bill to be entitled an act to incorporate the Peoples Building and Loan Association of Asheville, which was read and referred to the committee on corporations.

Mr. Linney moved a suspension of the rules to take up S. B. 221 and S. B. 382. The motion prevailed.

S. B. 221, a bill to be entitled an act to cure certain actions improperly brought, was read third time, and the amendment offered by Mr. Gilmer was adopted. Yeas 19; Nays 15.

Affirmative—Messrs. Allen, Beasley, Brogden, Brown, Edwards, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Jones, King, Latham, Lehman, Moore, Olds, Robbins of Rowan, Skinner, Speed and Worth—19.

Negative—Messrs. Battle, Cook, Council, Crowell, Fleming, Ledbetter, Linney, Love, Mauney, McCotter, Merrimon, Robbins of Davidson, Troy, Waddell and Whitesides—15.

On motion of Mr. Edwards, the bill with amendment, was re-comreitted, with instructions to report another bill.

Mr. Merrimon moved to reconsider the vote by which S. B. 393, bill to transfer Northampton county from the sixth to the first Judicial District, passed its third reading, the consideration of which motion was postponed until 7 P. M.

S. B. 382, a bill to be entitled an act to authorize the county commissioners of Alamance county to revise the jury list of said county, was read second time and passed.

The hour arriving for the sitting of the court of impeachment, the Senate took a recess.

The court having adjourned, the Senate was called to order by the President.

A message was sent to the House of Representatives informing that body that the Senate does not concur in the House amendments to S. B. 79, and requesting a Committee of Conference.



On motion of Mr. Merrimon, leave of absence was granted to Mr. Mast from to-morrow until Friday.

Mr. Linney, from Committee on Engrossed Bills, reported as correctly engrossed the following:

- S. B. 396, a bill to be entitled an act to authorize the commissioners of the town of Washington to collect taxes heretofore levied;
- S. B. 383, a bill to be entitled an act in favor of Nathaniel R. Jones, sheriff of Warren county;
  - S. R. 308, in favor of R. S. Tucker; Amendment to H. B. 213, S. B. 269;
- S. R. 314, resolution in favor of Henry Biggs and
- S. R. 397, to pay commissioners and clerk for services in Granville and Person contested election.

Mr. Graham, of Orange, introduced a resolution in relation to printing the act suspending Code of Civil Procedure, which was adopted.

On motion of Mr. Troy, the Senate adjourned until to-night at 7 o'clock.

Mr. Merrimon moved to reconsider the vote by which a. I. 323, bill as manifer Northannon vonth repeated for the first.

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# SENATE CHAMBER, 7 P. M., February 13th, 1871.

The Senate was called to order.

A message was received from the House transmitting the following bills, which were read and passed first time and referred, as follows:

H. B. 48, a bill to be entitled an act in regard to voting on separate ballot. Referred to committee on privileges and elections.

H. B. 279, a bill to be entitled an act to lay off and establish a county by the name of Swain. Referred to committee on propositions and grievances.

H. B. 301, a bill to be entitled an act to amend section 1,

chapter 168, laws of 1869-'70. Referred to judiciary committee.

H. B. 274, a bill to be entitled an act making the South Yadkin river, in the counties of Rowan and Davie, a lawful fence. Referred to committee on propositions and grievances; and

H. B. 324, S. B. 194, a bill to be entitled an act in relation to the Public Library, with House amendments, which, on motion of Mr. Merrimon, were concurred in.

On Motion of Mr. Crowell, the rules were suspended to take up S. B. 297 and S. B. 342.

S. B. 297, a bill to be entitled an act to incorporate the town of Lincolnton, was passed its second and third readings. Yeas 28; Nays 1.

Affirmative—Messrs. Albright, Battle, Beasley, Brown, Cook, Council, Cowles, Crowell, Edwards, Fleming, Gilmer. Graham of Alamance, Graham of Orange, Hyman, Jones, Latham, Love, McCotter Merrimon, Morehead, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Whitesides and Worth—28,

Negative—Mr. Eppes—1.

S. B. 342, a bill to be entitled an act to charter the Tennessee River Turnpike Company, was passed its second and third readings. Yeas 31; Nays none.

Affirmative—Messrs. Albright, Battle, Beasley, Brown, Cook, Council, Cowles, Crowell, Edwards, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, King, Latham, Ledbetter, Love, Mauney, McCotter, Merrimon, Morehead, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Whitesides and Worth—31.

Negative-None.

On motion of Mr. Jones, the rules were suspended to take up S. B. 261, S. B. 362 and S. B. 340.

S. B. 261, a bill to be entitled an act authorizing the incorporation of homestead and building associations in this State,

was passed its second and third readings. Yeas 33; Nays none.

Affirmative—Messrs. Albright, Battle, Beasley, Bellamy, Cook, Council, Cowles, Crowell, Edwards, Eppes, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, King, Latham, Ledbetter, Love, Mauney, McCotter, Moore, Morehead, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Whitesides and Worth—33.

Negative—None.

S. B. 362, a bill to be entitled an act to authorize C. Austin and others to collect arrears of taxes, was read second time.

On motion of Mr. Edwards, the name of Wm. A Philpot, late sheriff of Granville, was inserted. The amendments of the committee were adopted.

The bill passed its second reading.

On motion of Mr. Gilmer, the following was adopted as a substitute for second proviso: *Provided*, That in no event shall the estates of deceased persons be liable for such taxes.

The yeas and nays having been taken, the bill did not pass the third time. Yeas 15; Nays 18.

Affirmative—Messrs. Cowles, Edwards, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Jones, Ledbetter, Love, McCotter, Morehead, Olds, Robbins of Davidson, Whitesides and Worth—15.

Negative—Messrs. Albright, Beasley, Bellamy, Brown, Cook, Council, Eppes, Hawkins, Hyman, King, Latham, Mauney, McClammy, Merrimon, Robbins of Rowan, Skinner, Speed and Troy—18.

H. B. 275, S. B. 340, a bill to be entitled an act to incorporate the town of Gibsonville, in the county of Guilford, was read second time and passed.

On motion of Mr. Gilmer, in section 4, line 4, the word "elections" was stricken out, and "officers" inserted, and as amended, the bill passed its third reading. Yeas 30; Nays none.

Affirmative-Messrs. Albright, Battle, Beasley, Cook, Coun-

cil, Cowles, Crowell, Edwards, Eppes, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Latham Ledbetter, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Whitesides and Worth—30.

Negative-None.

Mr. Jones introduced a bill "to declare the rights of common carriers," which was read and passed first time and referred to the judiciary committee.

On motion of Mr. Robbins, of Rowan, the Senate adjourned until to-morrow at 10 A. M.

## FIFTY-SIXTH DAY.

SENATE CHAMBER, February 14th, 1871.

Senate met pursuant to adjournment.

Journal of yesterday was read.

Mr. Olds presented a memorial from certain merchants of Raleigh. Read and laid on the table.

Mr. Troy introduced a bill to be entitled an act concerning municipal officers, which was read and passed first time and referred to the judiciary committee.

Mr. Brogden introduced a bill to be entitled an act to authorize and empower the sheriff of the county of Wayne to collect arrears of taxes for the years 1869–'70, which was read and passed first time and placed on the calandar.

On motion of Mr. Merrimon, the vote by which S. B. 394, had passed its third reading was reconsidered, and on motion of Mr. Edwards, the bill was referred to the judiciary committee.

Mr. Love introduced a bill for the better protection of life and property on railroads, which was read and passed first time and referred to the committee on internal improvements. Mr. Graham, of Orange, from Judiciary committee, reported favorably on H. B. 325, S. B. 385, a bill to be entitled an act to authorize the Public Treasurer to pay the expenses on requisitions made by the Governor for fugitives from justice in other States, which, under a suspension of the rules, was passed its second reading, and made special order for Thursday next at 10 o'clock.

Mr. Troy introduced a bill to be entitled an act to amend chapter 5, section 42, of an act concerning the settlement of the estate of deceased persons, which was read and passed first time and referred to the judiciary committee.

S. B. 382, a bill to be entitled an act to authorize the county commissioners of Alamance to revise the jury list of said county, was passed its third reading. Yeas 37; Nays none.

Affirmative—Messrs. Albright, Allen, Barnett, Battle, Bellamy, Brogden, Brown, Cook, Council, Cowles, Crowell, Edwards, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Worth—37.

Negative-None.

A message was sent to the House of Representatives, transmitting S. B. 396, a bill to be entitled an act to authorize the commissioners of the town of Washington to collect taxes heretofore levied.

S. B. 383, a bill to be entitled an act in favor of N. R. Jones, sheriff of Warren county.

S. R. 308, in tavor of R. S. Tucker.

S. R. 314, in favor of Henry Biggs.

S. R. 397, to pay commissioners and clerks for services in Granville and Person contested election, and returning

H. B. 213, S. B. 269, to make a failure to work on public roads a misdemeanor, with Senate amendment thereto, and also announcing the concurrence of the Senate to the House amendments to S. B. 194, a bill to be entitled an act in relation to Public Library.

A message was received from the House transmitting H. B. 341, S. B. 195, a bill to be entitled an act to compel the president and directors of the several railroads in this State to account with their successors in office for the property and effects of said companies, with the House amendment thereto, which, on motion of Mr. Troy, was concurred in.

A message was received from the House transmitting a communication from the Governor in regard to issuing his proclamation required by the Convention act.

Mr. Speed introduced a resolution in reference to the communication.

Mr. Graham, of Orange, offered a substitute.

The hour of 11 o'clock arriving, the Senate took a recess to sit as a court of impeachment.

The court having adjourned, the Senate was called to order by the Chair.

On motion of Mr. Love, leave of absence was granted to Mr. Crowell until Wednesday next.

A message was received from the House of Representatives transmitting H. R. 191, requesting opinion of the Attorney General, which was read and passed first time.

Mr. Graham, of Orange, moved to suspend the rules and put the resolution on its several readings, which motion did not prevail.

On motion of Mr. Robbins, of Davidson, the Senate adjourned until to-morrow, at 10 A. M.

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# FIFTY-SEVENTH DAY.

SENATE CHAMBER, February 15th, 1871.

The Senate met pursuant to adjournment.

Journal of yesterday was read.

Mr. Troy, from Committee on Penal Institutions, reported S. B. 395, a bill in relation to the Penitentiary with amendment.

Mr. Speed introduced a bill to be entitled an act to prevent fishing with purse nets, which was read and passed first time, and referred to committee on propositions and grievances.

The following bills were introduced by message from the House of Representatives, read and passed first time and referred or otherwise disposed of, as follows:

II. B. 36, a bill to be entitled an act to incorporate the Spartansburg, Columbus and Rutherford Railroad Company. To committee on internal improvements.

H. B. 46, a bill to be entitled an act to render valid and binding the acts of certain officers in the State and for other purposes. To committee on judiciary.

H. R. 112, resolution in favor of W. J. Λ. Strange, of Cherokee. To committee on propositions and grievances.

H. R. 131, resolution in favor of sheriff of Bladen. To committee on propositions and grievances.

H. R. 255, a bill to be entitled an act to allow ex-sheriff of Hertford county to collect the arrears of taxes. To committee on propositions and grievances.

H. B. 291, a bill to be entitled an act to amend chapter 33, laws of 1858-'59. To committee on judiciary.

H. B. 311, a bill to be entitled an act to limit the powers of Township Trustees in Cherokee, Clay and other counties. To committee on propositions and grievances.

H. B. 319, a bill to be entitled an act to incorporate Statesville Seminary. Placed on calendar,

H. B. 328, a bill to be entitled an act to incorporate the

r of the Carolina's at Charlotte. To committee on corpora-

- A. B. 331, a bill to be entitled an act to amend chapter 66, public laws of 1869-'70, to construct a road through the enties of Ashe and Alleghany. To committee on internal provements.
- I. B. 332, a bill to be entitled an act to authorize the comsioners of Yancey county to levy a special tax to pay debts. committee on propositions and grievances.
- I. B. 333, a bill to be entitled an act to lay out and construct ablic road from the town of Sparta, in Alleghany county, to Virginia line. To committee on internal improvements.
- I. B. 334, a bill to be entitled an act to authorize a toll lege across the Yadkin river, near Elkin. Placed on calendar.
- I. B. 357, a bill to be entitled an act to legalize certain acts commissioners of Mitchell county. To judiciary committee.
- I. B. 364, a bill to be entitled an act to repeal an act to detect the Broad French Broad and Jones Gap road a turnpike. Committee on internal improvements.
- If. B. 366, a bill to be entitled an act to amend an act to inporate the bank of Mecklenburg. To committee on corpoons.
- by Mr. Crowell, a bill to authorize the legal representatives Logan H. Lawrence, late sheriff of Lincoln county, to colarrears of taxes. To committee on propositions and grievatures.
- ry Mr. Gilmer, a bill to be entitled an act to provide for a le summons in civil actions and manner of service of the e. To judiciary committee.
- n motion of Mr. Hyman, leave of absence was granted to Eppes from to-morrow until Monday next.
- on S. R. 368, a joint resolution to appoint a committee to artain the debt of the State.
- r. Jones, from same committee, reported favorably on S. a bill to be entitled an act to authorize the board of

county commissioners to appoint a finance committee for the counties, and to extend their powers.

On motion of Mr. Love, the rules were suspended, and B. 312, a bill to be entitled an act in relation to the Capi Square and Public Grounds, in the city of Raleigh, and the city of Raleigh and the city of Raleig

other purposes, was put on its several readings.

Mr. Loved moved the following amendments: Add to setion 2, nor shall the Secretary of State certify the account any laborer for work done or services rendered in any of sabuildings, or in any of said grounds, unless it be made to appet that said laborer or employee has been employed by the Keep of the Capitol.

And also to insert as section 4 the following: All laws a parts of laws in conflict with this act be and the same are here repealed.

The amendments were adopted, and the bill passed t second and third times. Yeas 35; Nays 5.

Affirmative—Messrs. Albright, Allen, Barnett, Batt Brown, Cook, Council, Cowles, Crowell, Currie, Edwards, Cmer, Graham of Orange, Jones, King, Latham, Ledbett Lehman, Linney, Love, Mauney, McClammy, McCotter, Mrimon, Morehead, Murphy, Olds, Price, Robbins of Davids Robbins of Rowan, Skinner, Speed, Troy, Waddell a Worth—35.

Negative—Messrs. Bellamy, Brogden, Eppes, Hawkins a Hyman—5.

The bill was then, under suspension of the rules, forthw engrossed and transmitted to the House of Representatives concurrence.

The rules were suspended and H. B. 334, a bill to be entit an act to authorize a toll bridge across the Yadkin river n Elkin, was read and passed the second and third times. Y 36; Nays none.

Affirmative—Messrs. Albright, Barnett, Brogden, Co Council, Cowles, Crowell, Currie, Edwards, Eppes, Flemi Gilmer, Graham of Alamance, Graham of Orange, Hawki yman, Jones, King, Latham, Linney, Love, Mauney, Mclammy, McCotter, Merrimon, Morehead, Murphy, Olds, rice, Robbins of Davidson, Robbins of Rowan, Skinner, need, Troy, Waddell and Worth—36.

Negative-None. .... day and the or make of the about the

Mr. Speed presented memorial from sundry citizens, relative duck shooting.

The special order for the hour, S. B. 347, H. B. 315, a bill to entitled an act supplemental to an act ratified on the 23d y of December, A. D. 1870, was take up on its third reading. Mr. Skinner moved to amend by inserting two additional ctions.

The amendment prevailed, and the bill was rejected. Yeas

Affirmative—Messrs. Allen, Fleming, Graham of Alamance, raham of Orange, Ledbetter, Linney, McClammy, Morehead, urphy, Price, Robbins of Davidson, Robbins of Rowan, Skingr, Troy and Worth—15.

Negative—Messrs. Albright, Barnett, Bellamy, Brogden, rown, Cook, Council, Cowles, Crowell, Currie, Edwards, Giler, Hawkins, Hyman, Jones, King, Latham, Love, Mauney, cCotter, Merrimon, Speed and Waddell—23.

Mr. Jones moved to reconsider the vote just taken.

Mr. King moved to lay that motion on the table.

Mr. Graham, of Orange, called the previous question. The nate sustained the call and the question recurring on the ption to reconsider, it was decided in the affirmative.

On motion of Mr. Edwards, a message was sent to the House Representatives, proposing to go into an election for Librain to-morrow at 10 A. M.

Messrs. Theophilus H. Hil, and Henry D. Coley were put

The hour of 11 A. M. having arrived, the Senate took a re-

The court having adjourned, the Senate was called to order the Chair.

A message was sent to the House of Representatives in ing that body of the concurrence of the Senate in the ments adopted by the House, to S. B. 195, a bill t<sub>d, and</sub> an act to compel the president and directors of Capiter railroads in the State to account with their successors in tor the property and effects of said companies.

On motion of Mr. Olds, the memorial of certain cotton chants of the city of Raleigh, was taken from the table referred to committee on corporations.

Mr. Robbins, of Davidson, reported as correctly enrolled following acts:

An act to incorporate the Warm Springs Colony in Magacounty;

An act to authorize the commissioners of Onslow to a the tax lists now in the hands of the sheriff;

An act to incorporate the Trustees of the Mount Ve Academy on Bay river, in the county of Craven;

An act in relation to the Public Library;

An act to charter the Tennessee River Turnpike Comp which were ratified and transmitted to the Secretary of S On motion of Mr. Murphy, the Senate adjourned.

SENATE CHAMBER, 7 P. M., February 15th, 187

The Senate met pursuant to adjournment.

The consideration of the unfinished business of yester to wit: The resolutions offered by Mr. Speed, relative to message of Governor Caldwell, being now in order, the sideration thereof was postponed and the resolutions and amendment proposed thereto made the special order Friday at 7 P. M.

S. R. 405, H. R. 191, requesting opinion of Attorney eral, was taken up.

Mr. Olds moved the indefinite postponement of the resolu-

ce, Robraham proposed a substitute, which was read for in-

Mauney moved that the Senate do now adjourn. The motion did not prevail.

Mr. Allen moved to lay the resolution upon the table, and the motion prevailed.

Mr. Graham, of Orange, introduced a resolution in relation to the payment of assistants employed by the Doorkeeper for preserving order and serving subpæna's, which was read and passed the first and second times.

The resolution was then read the third time.

Mr. Gilmer moved to strike out the words "the U. S. Marshals," and insert word "Sheriffs." The motion prevailed.

On motion of Mr. Graham, of Orange, the resolution was laid on the table.

On motion, the Senate adjourned.

## FIFTY-EIGHTH DAY.

SENATE CHAMBER, February 16th, 1871.

The Senate met pursuant to adjournment.

Journal of yesterday was read.

1

The Committee on Corporations reported favorably on H. 38. 404, a bill to be entitled an act to incorporate the Peoples' Building and Loan Association of Asheville.

The Committee on Internal Improvements reported favorably on S. B. 427, H. B. 364, a bill to be entitled an act to repeal an act to declare the Broad French Broad and Jones Bap Road a Turnpike.

The Committee on the judiciary, reported favorably on S.

B. 349, a bill to be entitled an act to enable aliens to take, hold and convey lands;

S. B. 354, a bill to be entitled an act to amend section 7 of

chapter 237, of laws of 1868-'69;

S. B. 356, a bill to be entitled an act to amend section 13 of an act entitled an act in relation to landlord and tenant, ratified the 10th day of April, 1869;

S. B. 408, a bill to be entitled an act concerning municipal

officers;

S. B. 345, a bill to be entitled an act in relation to the liability of husbands upon contracts, and

S. B. 363, a bill to be entitled an act declaratory of the

meaning of section 34, chapter 225, laws of 1869-'70;

And unfavorably on S. B. 400, H. B. 301, a bill to be entitled an act to amend section 1, chapter 168 of public laws of North Carolina, 1869–770.

The Committee on Propositions and Grievances reported favorably on S. B. 399, H. B. 274, a bill to be entitled an act making the South Yadkin river in the counties of Rowan and Davie a lawful fence;

S. B. 401, H. B. 279, a bill to be entitled an act to lay off and establish a county by the name of Swain;

S. R. 413, H. R. 131, resolution in favor of sheriff of Bladen;

S. B. 384, H. B. 214, a bill to be entitled an act to annex a part of Rutherford county to Burke county;

S. B. 415, H. B. 311, a bill to be entitled an act to limit the powers of Township Trustees in Cherokee, Clay and other counties;

S. B. 412, H. B. 332, a bill to be entitled an act to authorize the commissioners of Yancey county to levy a special tax to

pay debts, with accompanying amendment;

And unfavorably on S. B. 379, a bill to be entitled an act in relation to the records of land grants in the office of the Secretary of State, and recommended that the following bills be laid on the table:

S. B. 414, H. B. 255, a bill to be entitled an act to allow exsheriff of Hertford county to collect the arrears of taxes;

S. B. 416, a bill to be entitled an act to authorize the legal representatives of Logan H. Lawrence, late sheriff of Lincoln county, to collect arrears of taxes.

The introduction of bills, &c., being now in order, the following were introduced, read and passed the first time and referred, or were otherwise disposed of, as follows:

By Mr. Latham, a resolution in favor of Jefferson Hinton. Laid over under the rules.

By Mr. Dargan, a bill to be entitled an act to authorize the commissioners of Anson county to levy a special tax, &c. Placed on calendar.

By Mr. Robbins, of Rowan, joint resolution of instruction to the Committee on Public Buildings and Grounds. Laid over under the rules.

By Mr. McClammy, a bill to be entitled an act to prevent the sale of spirituous liquors within two miles or less of Point Caswell, in the county of New Hanover. Referred to committee on corporations.

By Mr. Olds, resolution in favor of Mrs. Jane Hinton. Referred to committee on claims.

By Mr. Jones, a bill to be entitled an act to amend the charter of the city of Charlotte. Placed on calendar.

By Mr. Speed, a bill to be entitled an act to empower the commissioners of the town of Tarboro' to lay a tax for the purchase of fire apparatus.

The hour having arrived for the execution of the joint order, the Senate proceeded to ballot for a librarian, under the superintendence of Messrs. Edwards and McCotter, as follows:

FOR MR. THEOPHILUS H. HILL—Messrs. Albright, Allen, Battle, Cowles, Currie, Dargan, Edwards, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Ledbetter, Linney, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan,

Skinner, Speed, Troy, Waddell, Warren, Whitesides and Worth—31.

FOR MR. H. D. COLEY—Messrs. Brogden, Hawkins, Hyman, King, Love, McCotter, Moore, Olds and Price—9.

The rules having been suspended, the following bills were taken up and acted upon as follows:

A bill to be entitled an act to amend the charter of the city of Charlotte. Read and passed second and third times. Yeas 33; Yeas none.

Affirmative—Messrs. Adams, Albright, Allen, Brogden, Brown, Cook, Council, Cowles, Currie, Dargan, Edwards, Fleming, Gilmer, Hawkins, Hyman, Jones, Latham, Ledbetter, Linney, Love, Mauney, McClanmy, McCotter, Merrimon, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whitesides and Worth—33.

Negative-None.

Ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

S. B. 399, H. B. 274, a bill to be entitled an act making the South Yadkin river, in the counties of Rowan and Davie, a lawful tence. Read and passed the second and third times. Yeas 36; Nays 1.

Affirmative—Messrs. Adams, Albright, Allen, Brogden, Brown, Cook, Council, Cowles, Currie, Dargan, Edwards, Fleming. Gilmer, Jones, King, Latham, Ledbetter, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whitesides and Worth—36.

Negative-Mr. Hyman-1.

S. B. 431, a bill to be entitled an act to empower the commissioners of the town of Tarboro' to lay a tax for the purchase of fire apparatus. Read and passed second and third times. Yeas 35; Nays none.

Affirmative-Messrs. Adams, Albright, Allen, Brogden,

Cook, Council, Cowles, Currie, Dargan, Edwards, Fleming, Gilmer, Hawkins, Hyman, Jones, Latham, Ledbetter, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whitesides and Worth—35.

Negative-None.

The following bills were reported to be correctly engrossed: S. B. 382, a bill to be entitled an act to authorize the county commissioners of Alamance county to revise the jury list of said county:

S. B. 261, a bill to be entitled an act to amend an act authorizing the incorporation of homestead and building associations in the State;

S. R. 403, resolution in relation to printing the act suspending the Code of Civil Procedure;

Amendment to H. B. 275, S. B. 340, a bill to be entitled an act to incorporate the town of Gibsonville, in the county of Guilford.

The following bills were reported as correctly enrolled:
An act for the relief of G. B. Threadgill and J. L. Moore,
former sheriffs of Anson and Macon counties;

An act defining and amendatory of the charter of the Wilmington North Carolina Life Insurance Company;

An act to make a failure to work on public roads a misdemeanor;

An act to compel the president and directors of the several railroads in this State, to account with their successors in office for the property and effects of said companies;

Resolution in favor of Henry Biggs, which were ratified and transmitted to the Secretary of State.

Mr. Love introduced the following resolution, which was read and adopted: that a committee of three be appointed to select from the calendar such bills as are of a private and strictly local character, and that the same be set apart for consideration on Monday, Tuesday, Wednesday, Thursday and

Friday nights of next week, at which times the Senate shall meet.

The Chair appointed Messrs. Love, Waddell and Bellamy on the committee.

Mr. Cook introduced the following resolution, which was read:

Resolved, By the Senate that the Adjutant General of the State be and he is hereby instructed to report to the Senate at an early date, a detailed account of the expenses of, and all moneys paid to the officers and soldiers of Kirk's and Clarke's militia or State troops, rendering a verbatim report of the amount paid to each officer and soldier, and the time service was rendered by each.

Pending the consideration of the resolution, the hour of 11 A. M. arrived, and the Senate took a recess to set as a court of impeachment.

The court having adjourned, the Senate was called to order by the Chair.

Mr. Edwards, from Committee to superintend the ballot of a Librarian, reported that 127 votes had been cast in all, and that of these Theophulus H. Hill had received 89; Henry D. Coley had received 33, and that George B. Baker had received 5.

Mr. Hill having received a majority of all the votes cast, was declared duly elected.

The Senate then adjourned.

# FIFTY-NINTH DAY.

SENATE CHAMBER, February 17, 1871.

The Senate met pursuant to adjournment.

The journal of yesterday was read.

Mr. Currie reported as correctly engrossed the following bills:

S. B. 430, a bill to be entitled an act to amend the charter of the city of Charlotte;

S. B. 431, a bill to be entitled an act to empower the commissioners of the town of Tarboro, to levy a tax, which, together with the following,

S. B. 382, a bill to be entitled an act to authorize the county commissioners of Alamance county to revise the jury list of said county;

S. B. 261, a bill to be entitled an act to amend an act authorizing the incorporation of homestead and building association in the State;

S. R. 403, resolution in relation to printing the act suspending the Code of Civil Procedure;

Amendment to H. B. 275, S. B. 340, a bill to be entitled an act to incorporate the town of Gibsonville, in the county of Guilford, heretofore reported as correctly engrossed, were transmitted to the House of Representatives for concurrence;

The Committee on the Judiciary, reported, favorably on S. B. 398, a bill to be entitled an act to declare the rights of common carriers; and,

Also, reported a substitute for S. B. 221, a bill to be entitled an act concerning certain actions improperly commenced.

The following bills were then introduced, read and passed first time and referred, as follows:

By Mr. Merrimon, a bill to be entitled an act to amend sections 269-270 of the Code of Civil Procedure. Referred to committee on judiciary.

By Mr. Edwards, a bill to be entitled an act to amend the charter of the town of Warrenton. To committee on corporations.

By Mr. Battle, a bill to be entitled an act to authorize the county commissioners of Nash county to levy a special tax. To committee on propositions and grievances.

Under a suspension of the rules, the following bills were acted upon, as follows:

H. B. 325, S. B. 385, a bill to be entitled an act to authorize

Public Treasurer to pay the expenses on requisitions made by the Governor for fugitives frow justice in other States. Read and passed third time. Yeas 39; Nays none.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Bellamy, Brogden, Brown, Cook, Council, Cowles, Currie, Dargan, Edwards, Fleming, Gilmer, Graham of Orange, Hawkins, Jones, King, Latham, Ledbetter, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whitesides and Worth—39.

Negative—None.

S. B. 221, a bill to be entitled an act concerning certain actions improperly commenced.

The substitute proposed by the Committee on the Judiciary, reported this morning, was then adopted, and the bill passed its third reading. Yeas 35; Nays 2.

Affirmative—Messrs. Albright, Allen, Battle, Brogden, Brown, Cook, Council, Currie, Dargan, Edwards, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, King, Latham, Linney, Love, Mauney, Merrimon, Moore, Morehead, Murphy, Norment, Olds, Skinner, Speed, Troy, Waddell, Whitesides and Worth—35.

Negative—Messrs. Robbins of Davidson and Robbins of Rowan—2.

The unfinished business of yesterday, to wit: a resolution of enquiry from the Adjutant General, was then taken up, and the resolution was adopted.

Mr. Troy introduced a resolution relating to purchase of Ostrich feathers by the State, which was read and indefinitely postponed.

The following bills were introduced by message from the House of Representatives, read and passed the first time and referred, as follows:

H. B. 74, a bill to be entitled an act to amend the charter of the Wilmington Hook and Ladder Company. To committee on corporations.

H. B. 247, a bill to be entitled an act to incorporate the trustees of Blue Ridge Academy, in the county of Henderson. To committee on corporations.

H. B. 276, a bill to be entitled an act to lay out and construct a road through the county of Ashe. To committee on internal improvements.

H. B. 363, a bill to be entitled an act to make the French Broad river a lawful tence in Transylvania. To committee on propositions and grievances.

A message was received from the House of Representatives transmitting the following bills with amendments thereto, severally adopted by the House, and asking concurrence therein of Senate:

S. R. 332, H. R. 185 resolution in favor of William Smith;

S. B. 312, a bill to be entitled an act in relation to Capital Square and Public Grounds, in the city of Raleigh, and tor other purposes.

The amendments proposed by the House were severally concurred in by the Senate.

A message from the House of Representatives was received, transmitting S. B. 79, a bill to be entitled an act in relation to salaries and fees of State officers, together with report of committee of conference in relation thereto, and informing the Senate of the concurrence therein of the House of Representatives.

On motion of Mr. Graham, of Orange, the Senate concurred in the report of the committee of conference.

The hour of 11 A. M. having arrived, the Senate took a recess to sit as a court of impeaclment.

The court having adjourned, the Senate was called to order by the Chair.

Leave of absence for Saturday was granted to the Enrolling Clerk.

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The Senate then adjourned.

# SENATE CHAMBER, 7 P. M., February 17th, 1871.

The Senate met pursuant to adjournment.

The special order, to-wit: the resolutions offered by Mr. Speed relative to the recent message of the Governor was taken up.

The question being upon the substitute offered by Mr. Graham, of Orange,

Mr. McClammy offered a substitute, which was read.

On motion of Mr. McClammy, the resolutions were laid on the table.

Mr. Gilmer, from Committee on Judiciary, reported a substitute for S. B. 313, a bill to be entitled an act in relation to convicts.

The consideration of resolutions being in order, the following were taken up, read and acted upon, as follows:

S. R. 81, joint resolution authorizing the President to employ help for the Door Keeper.

The question recurring upon the substitute offered by the Committe on Public Grounds and Buildings,

Mr. Jones moved to amend the substitute by inserting after word Representatives, the words with the assent of the presiding officer of their respective houses.

The motion prevailed and the substitute as amended was adopted.

On motion of Mr. Gilmer, the word two was stricken out and the word three inserted instead thereof.

The resolution as amended was then adopted.

- S. R. 91, resolution for payment of Pages. Laid on table.
- S. R. 133, resolution in favor of sheriffs and tax collectors of Moore county. Laid on table.
- S. R. 164, H. R. 24, resolution in favor of W. H. Higdon, late sheriff of Macon county. Laid on table.
  - S. R. 179, H. R. 99, resolution in regard to printing. Adopted:
  - S. R. 230, resolution in relation to printing. Laid on table.

S. R. 247, resolution in relation to Western Division of Western North Carolina Railroad Company. Laid on table.

S. R. 305, joint resolution concerning a canal from the Waccamaw to Little river, South Carolina. Made special order for 10½ A. M., 22nd Feb. 1871.

S. R. 333, resolution in favor of W. A. Bradsher. Referred

o committee on privileges and elections.

S. R. 344, H. R. 115, resolutions requesting Senators and tepresentatives in Congress from this State, to solicit an additional appropriation for the improvement of the Cape Fearbar.

Mr. Jones moved to strike out word several and insert word espective. Adopted.

Mr. McClanmy moved the following amendment, which as adopted:

Resolved further, That they be requested also, to use their forts to secure an appropriation for the removal of obstructors to navigation in Pamlico below the town of Washington.

The resolution as amended was then adopted.

S. R. 368, H. R. 165, joint resolution to appoint a committee ascertain the debt of the State. Adopted.

S. R. 435, joint resolutions of instruction to the Committee Public Buildings and Grounds. Adopted.

S. R. 433, resolution in favor of Jefferson Hinton. Passed cond time.

Mr. Jones moved that hereafter when the bills on their cond reading shall be taken from the calandar in their order, e rules be suspended without further motion to put them on e third reading forthwith. The motion prevailed.

S. R. 316, resolution in favor of W. P. Batchelor. Passed

cond and third times. Yeas 38; Nays none.

Affirmative—Messrs. Adams, Albright, Allen, Barnett, Bat, Bellamy, Brogden, Brown, Council, Cowles, Currie, Darn, Fleming, Gilmer, Graham of Alamance, Hyman, Jones,

King, Latham, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whitesides and Worth—38.

Negative-None.

S. R. 129, H. R. 20, resolution instructing Senators and requesting Representatives in Congress to urge the passage of an act of General Assembly.

On motion of Mr. Robbins, of Rowan, the second section was stricken out and the resolution as amended was adopted. Yeas 31; Nays 1.

Affirmative—Messrs. Adams, Albright, Allen, Barnett, Battle, Beasley, Brogden, Brown, Council, Cowles, Currie, Edwards, Fleming, Gilmer, Graham of Alamance, Jones, King, Latham, Love, Mauney, McClammy, McCotter, Moore, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Whitesides and Worth—33.

Negative-Mr. Hyman-1.

The rules were suspended and the following bills were taken up and acted upon, as follows:

S. B. 347, H. B. 315, a bill to be entitled an act supplemental to an act ratified on the 23rd day of December, 1870.

On motion of Mr. Jones, section 3 was stricken out, and the bill passed the third time. Yeas 32; Nays none.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Bellamy, Brogden, Brown, Currie, Dargan, Edwards, Fleming Gilmer, Graham of Alamance, Hyman, Jones, King, Latham Love, Mauney, McClammy, McCotter, Merrimon, Moore Murphy, Olds, Robbins of Davidson, Skinner, Speed, Troy Whitesides and Worth—32.

Negative—None.

S. B. 2, a bill to be entitled an act to authorize the board of county commissioners to appoint a Finance Committee for their respective counties, and to extend the powers of such committees.

On motion of Mr. Troy, the following was added to section

: "But no member of said committee shall be allowed to relive pay for more than twenty days in any one year."

On motion of Mr. Speed, all after the word commissioners section 2, was stricken out.

The bill then passed the second and third times. Yeas 20;

Affirmative—Messrs. Adams, Battle, Council, Cowles, Cur, Dargan, Fleming, Gilmer, Jones, King, Latham, Linney,
launey, Moore, Murphy, Robbins of Davidson, Robbins of
lowan, Skinner, Troy and Worth—20.

Negative—Messrs. Albright, Allen, Barnett, Brogden, Irown, Graham of Alamance, Love, McClammy, McCotter, Perrimon and Waddell—11.

S. B. 395, a bill to be entitled an act in relation to the initentiary.

The amendment offered by the Committee on Penal Institions, was adopted, and the bill was passed the second time d made the special order for to-morrow at 10½ A. M.

Mr. Robbins, of Davidson, reported as correctly enrolled, An act in favor of Nathaniel R. Jones, sheriff of Warren unty;

An act to authorize the construction of a toll bridge across by Yadkin river at or near Elkin;

An act making the South Yadkin river in the counties of wan and Davie, a lawful fence;

An act relative to sale of land by the commissioners of the twn of Macon, in McDowell county;

An act in relation to vacancies occurring in county offices; An act to change the corporation boundaries of the town of exington, in Davidson county, which were ratified and insmitted to the Secretary of State.

On motion of Mr. Edwards, S. B. 374, a bill to be entitled act in relation to the removal of the county seat of Halifax unty, was taken from the table and referred to committee corporations.

The Senate then adjourned.

#### SIXTIETH DAY.

SENATE CHAMBER, February 18th, 1871.

The Senate met pursuant to adjournment.

Journal of yesterday was read.

The Committee on Corporations reported favorably on the following bills:

- S. B. 422, H. B. 328, a bill to be entitled an act to incorporate the Fair of the Carolinas, at Charlotte;
- S. B. 425, H. B. 366, a bill to be entitled an act to amen an act to incorporate the Bank of Mecklenburg;
- S. B. 436, a bill to be entitled an act to prevent the sale spirituous liquors within two miles or less of Point Caswe in county of New Hanover;
- S. B. 438, H. B. 74, a bill to be entitled an act to amer the charter of the Wilmington Hook and Ladder Company
- S. B. 439, a bill to be entitled an act to incorporate the Trustees of Blue Ridge Academy, in the county of Henderson
- S. B. 442, a bill to be entitled an act to amend the chart for the town of Warrenton, with accompanying amendmen

The Committee on Claims reported favorably on the following resolutions:

- S. R. 372, resolution in favor of Alexander M. Turner;
- S. R. 380, resolution in favor of Burgess Montgomery;
- S. R. 377, resolution in favor of Erasmus D. Hayes.

Unfavorably on the following:

- S. R. 215, resolution in favor of Quinton Adams;
- S. R. 318, resolution in favor of Silvester Smith;
- S. R. 381, resolution in favor of Jonas W. Derr, and aske to be discharged from the further consideration of S. B. 18 H. B. 114, a bill to be entitled an act in favor of George Mitchell.

The committee was discharged.

The introduction of bills and resolutons being now

der, the following were introduced, read and passed first ne and were referred, or otherwise disposed of, as follows: By Committee on Claims, resolution in favor of W. E. nderson. Laid over under rules.

By Mr. Love, resolution in favor of W. W. and D. M. Watts. id over under rules.

By Mr. Robbins, of Davidson, a bill to be entitled an act repeal an act entitled an act to prevent the sale of spirituous nors in three miles of Silver Hill, Davidson county. Placed calendar.

By Mr. Olds, a bill to be entitled an act re-enacting the evenue Act of 1870, with certain provisions. Referred to cial committee to ascertain public debt.

By Mr. Waddell, a bill to be entitled an act to authorize commissioners of Johnston county to issue bonds for the rpose of funding and paying of the county debts. committee on propositions and grievances.

By Mr. Norment, resolution in favor of Henry Biggs. Laid er under the rules.

By Mr. Merrimon, a bill to be entitled an act for the relief the tax payers of Buncombe county. Referred to commiton propositions and grievances.

Ar. Linney moved to re-consider the vote by which S. B. bill to be entitled an act to authorize the board of county amissioners to appoint a Finance Committee for their pective counties, and to extend the powers of such commits, was passed the third time on yesterday, and to postpone

further consideration of that motion until Monday next.

latter motion prevailed.

leave of absence for Monday and Tuesday was granted to Robbins, of Rowan, and for four days from to-day to Mr. ed, and from to-day until Wednesday morning to Mr. wkins.

the Chair announced Messrs. Worth and Olds as the Senate nch of the joint committee to ascertain the public debt. Ir. McClammy introduced resolutions of inquiry relative to the payment of the salaries of the Code Commissioners, which were read and adopted.

Under a suspension, the following bills were acted upon a follows:

S. B. 395, a bill to be entitled an act in relation to th Penitentiary.

Mr. Robbins, of Davidson, moved to strike out \$15,000 an insert \$10,000. The amendment did not prevail, and the bi passed its third reading. Yeas 21; Nays 8.

Affirmative—Messrs. Adams, Albright, Bellamy, Brogdel Council, Edwards, Graham of Alamance, King, Latham, Lov. McClammy, McCotter, Moore, Norment, Olds, Price, Skinne Speed, Troy, Whitesides and Worth—21.

Negative—Messrs. Cook, Cowles, Dargan, Mauney, Merr mon, Murphy, Robbins of Davidson and Robbins of Rowa—8.

The bill was then ordered to be forthwith engrossed an transmitted to the House of Representatives for concurrence

S. B. 258, a bill to be entitled an act to incorporate the Roanoke and Tar River Railroad Company on its secon reading.

The amendment offered by the committee on internal in provements was adopted.

Mr. Latham offered the following amendments, which we severally adopted:

After the name of Edward Wood, in section 1, amend 1 adding David A. Barnes, J. M. S. Rogers, Edmund Jacob Richard H. Smith, W. R. Leggett, Jesse H. Powell, C. Killebrew, W. T. Dortch, J. C. Jones, W. H. Best, and Georgice.

After the word "Kinston" in the 1st section amend adding the words "or Goldsboro' as the president and direct may determine."

Section 8. The Railroad Company shall have power to ere the track of other railroads, to build branches to the main ste

in any direction not exceeding twenty-five miles long. The guage of said road shall be as the stockholders may determine, not exceeding four feet eight and one half inches.

The bill then passed its second and third readings. Yeas 35; Nays none.

- Affirmative—Messrs. Adams, Albright, Battle, Bellamy, Brogden, Brown, Cook, Council, Cowles, Edwards, Fleming, Jilmer, Graham of Alamance, Hyman, Jones, Latham, King, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Murphy, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whitesides and Worth—35.
- Negative-None.
- The hour of eleven having arrived, the Senate took a recess o set as a court of impeachment.
- The court having adjourned, the Senate was called to order by the Chair.
- Under a suspension of the rules, S. B. 363, H. B. 244, a bill to be entitled an act declaratory of the meaning of section 34, hapter 225, laws of 1869-770, was read and passed the second and third times. Yeas 39; Nays none.

Affirmative—Messrs. Adams, Albright, Allen, Barnett, Battle, Bellamy, Brogden, Brown, Cook, Council, Cowles, Jurrie, Edwards, Fleming, Gilmer, Graham of Alamance, Iyman, Jones, King, Latham, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Murphy, Norment, Mods, Price, Robbins of Davidson, Robbins of Rowan, Skinner, peed, Troy, Waddell, Whitesides and Worth—39.

Negative—None.

Mr. Robbins, of Davidson, reported as correctly enrolled, the

An act to incorporate the town of Gibsonville, in the county f Guilford;

An act in relation to the Capitol Square and Public Grounds the city of Raleigh, and for other purposes;

An act to provide for the payment of the necessary expenses on requisition of the Governor for fugitives from justice in other States;

An act in relation to Salaries and Fees of State officers, which were ratified and transmitted to the Secretary of State. The Senate then adjourned.

#### SIXTY-FIRST DAY.

SENATE CHAMBER, February 20th, 1871.

The Senate met pursuant to adjournment. Journal of Saturday was read.

Leave of absence was granted to Mr. Edwards until Thurs day, and to Mr. Council until Monday next.

Mr. Love introduced resolutions concerning printing proceedings of impeachment trial, which was read and adopted.

The Committee on Propositions and Grievances reported favorably on

S. B. 437, H. B. 363, a bill to be entitled an act to make the French Broad river a lawful fence in Transylvania;

S. B. 443, a bill to be entitled an act to authorize the commissioners of Nash county to levy a special tax, with accompanying amendment.

The following bills, &c., were introduced and passed firs time and referred, or were otherwise disposed of, as follows:

By Mr. Skinner, a bill to be entitled an act to reduce the bond of the Superior Court Clerk and Judge of Probate for Dare county, from ten to three thousand dollars. Placed of calendar.

By Mr. Fleming, a bill to be entitled an act to transfer lat pending suits in equity to the Superior Court. To judiciar committee.

By Mr. Moore, a bill to be entitled an act to prevent the

obstruction of Newport river, in Carteret county. To committee on propositions and grievances.

By message from the House of Representatives:

H. B. 46, a bill to be entitled an act to render valid and binding the acts of certain officers of the State, and for other purposes. To committee on judiciary.

H. R. 107, resolution instructing Keeper of the Capitol to examine roof of the Capitol, &c. To committee on propositions and grievances.

H. R. 190, resolution concerning the Secretary of State, 13th February, 1870. To committee on corporations.

H. R. 196, resolution in relation to claims arising during the period of the war. To committee on judiciary.

By Mr. Barnett, a bill to be entitled an act to incorporate the Petersburg, Clarksviile, Roxboro', Yanceyville and Greensboro' Railroad Company. To committee on internal improvements.

H. B. 310, a bill to be entitled an act to incorporate the town of Burnsville, in the county of Yancey. To committee on corporations.

H. B. 317, a bill to be entitled an act to prevent the felling of trees in the Yadkin river. To committee on propositions and grievances.

H. B. 356, a bill to be entitled an act authorizing the Dismal Swamp Canal Company to issue eight per cent. bonds. To committee on internal improvements.

H. B. 395, a bill to be entitled an act to incorporate the Pennsylvania and North Carolina Land and Lumber Company. To committee on agriculture.

A message was received from the House of Representavives transmitting Senate bill 253, with amendments thereto, adopted by the House, and asking concurrence of the Senate

On motion, the amendments were concurred in.

The hour having arrived for the consideration of the motion reconsider the vote by which was passed

S. B. 2, a bill to be entitled an act to authorize the board of county commissioners to appoint a Finance Committee for the respective counties, and to extend the powers of such committees, and the question recurring thereupon, its further consideration was postponed and made special order for to-morrow 10½ A. M.

On motion of Mr. Allen, S. B. 276, a bill to be entitled an act to authorize the Superior Courts to grant divorces in certain cases, was taken from calendar and made special order for 12 M. 21st February, 1871.

On motion of Mr. Graham, of Orange, S. B. 88, a bill to be entitled an act to transfer \$1,000,000 of State stock in N. C. R. R. Company with A. & N. C. R. R. Company, &c., was taken up and made special order for  $7\frac{1}{2}$  P. M., 1st March.

On motion of Mr. Graham, of Orange, S. B. 89, a bill to be entitled an act to allow railroad and other corporations to purchase the stock of the State, &c., was taken up and made special order for 8 P. M. Friday, 3d March.

Bills, &c., on their second reading, were taken up and acted upon, as follows:

S. B. 68, a bill to be entitled an act to amend section 52 of an act entitled an act to provide for a system of public instruction.

The question recurring upon the adoption of the substitute offered by the Committee on Education and Literary Fund,

Mr. Troy moved to strike out words "State and" in section

1. The motion prevailed and the substitute was adopted.

The bill then as amended passed the second time and was made special order for 11 A. M. on Wednesday, 22 February, 1871.

S. B. 200, a bill to be entitled an act to amend certain acts in respect to bank bills being received in payment of judgments in certain cases, was taken up and made special order for 10½ A. M. Wednesday, 22d February, 1871.

S. B. 401, H. B. 279, a bill to be entitled an act to lay off and establish a county by the name of Swain, was made special

order for 1 o'clock P. M. on Wednesday, 22d February, 1871.

S. B. 251, a bill to be entitled an act concerning the Deaf, Dumb and Blind, passed the second time.

On the third reading of the bill,

Mr. Skinner moved to insert word "Steamboat" after word "Railroad." The amendment prevailed.

Mr. Graham, of Orange, offered an amendment, which, together with the bill was re-committed to the Committee on Deaf, Dumb and Blind.

S. B. 215, resolution in favor of Quinton Adams. Laid on the table.

H. B. 114, S. B. 182, a bill to be entitled an act in favor of George H. Mitchell. Laid on the table.

S. B. 124, a bill to be entitled an act to empower county commissioners to extend the time for settlement of taxes.

Laid on the table.

S. B. 143, a bill to be entitled an act to amend section 16 of Code of Civil Procedure. Laid on the table.

S. B. 147, a bill to be entitled an act concerning divorces. Laid on the table.

H. B. 37, S. B. 158, a bill to be entitled an act to prescribe the time for the sheriffs to settle for State and county taxes. Laid on the table.

H. B. 38, S. B. 159, a bill to be entitled an act to repeal section 7, chapter 167, public laws North Carolina, 1868–'69.

S. B. 176, a bill to be entitled an act to amend the Revised Code, chapter 39, in regard to divorces and alimony. Laid on the table.

S. B. 254, a bill to be entitled an act to authorize the Treasurer to pay agents in certain cases. Indefinitely post-

H. B. 312, S. B. 241, a bill to be entitled an act to regulate bail in certain cases. Indefinitely postponed.

S. B. 238, a bill to be entitled an act declaratory of the liability of sheriff's sureties. Indefinitely postponed.

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S. B. 235, a bill to be entitled an act to punish seduction. Indefinitely postponed.

S. B. 428, resolution in relation to the payment of assistants employed by the Doorkeeper for preserving order and serving subpenas.

Mr. Graham moved following amendments, to be inserted after word subpænas: And actual and necessary expenses incurred in travelling. The amendment prevailed, and the resolution passed the third time. Yeas 25; Nays 8.

Affirmative—Messrs. Adams, Albright, Allen, Barnett, Battle, Bellamy, Brown, Cook, Currie, Dargan, Graham of Alamance, Graham of Orange, Jones, Latham, Ledbetter, Mauney, McClammy, Morehead, Norment, Robbins of Davidson, Skinner, Speed, Troy, Whitesides and Worth—25.

Negative—Messrs. Brogden, Cowles, Fleming, King, Linney, Love, Murphy and Waddell—8.

Ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

S. B. 99, a bill to be entitled an act to amend chapter 160, of laws of 1868-'69.

The amendment offered by Judiciary Committee was adopted, and the bill as amended passed the second and third times. Yeas 33; Nays none.

Affirmative—Messrs. Adams, Albright, Barnett, Battle, Bellamy, Brogden, Brown, Cook, Cowles, Currie, Dargan, Graham of Alamance, Graham of Orange, King, Latham, Ledbetter, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Skinner, Speed, Waddell, Whitesides and Worth—33.

Negative-None.

S. B. 113, a bill to be entitled an act to restore and reinstate burnt records in the several counties, &c.

Mr. Fleming moved the following amendment: That said deeds shall not be binding against minors nor be valid unless the same shall have been registered before the burning of said records.

The amendment did not prevail, and the bill passed its second and third readings. Yeas 33; Nays 1.

Affirmative—Messrs. Adams, Albright, Allen, Barnett, Battle, Brogden, Cook, Dargan, Fleming, Graham of Alamance Graham of Orange, Jones, King, Latham, Ledbetter, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Skinner, Troy, Waddell, Whitesides and Worth—33.

Negative—Mr. Cowles—1.

Mr. Fleming moved to reconsider the vote just taken, and to postpone the consideration thereof until 7½ P. M., Monday next.

Mr Merrimon moved to lay that motion on the table.

The latter motion prevailed.

S. B. 140, a bill to be entitled an act to incorporate the Yanceyville and Coal Field Railroad. Read and passed second and third times. Yeas 33; Nays 2.

Affirmative—Messrs. Adams, Albright, Allen, Barnett, Battle, Bellamy, Brogden, Brown, Cowles, Currie, Dargan, Graham of Alamance, Graham of Orange, Jones, Latham, Ledbetter, Linney, Love, Mauney, McClammy, Merrimon, Moore, Morehead, Norment, Olds, Price, Robbins of Davidson, Skinner, Speed, Waddell, Whitesides and Worth—32.

Negative—Messrs. Murphy and Troy—2.

S. B. 202, a bill to be entitled an act to amend section 47, chapter 93, laws of 1868–'69. Read and passed second and third times. Yeas 30; Nays 1.

Affirmative—Messrs. Adams, Albright, Battle, Bellamy, Brown, Cowles, Currie, Dargan, Fleming, Graham of Alamance, Graham of Orange, Jones, Latham, Ledbetter, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Norment, Olds, Robbins of Davidson, Skinner, Troy, Waddell, Whitesides and Worth—30.

Negative—Mr. Brogden—1.

The Committee on the Judiciary reported favorably on S. B. 327, a bill to be entitled an act allowing executors and

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administrators to plead anew in certain cases, and unfavorably on S. B. 409, a bill to be entitled an act to amend chapter 5, section 42, of an act concerning the settlement of estates of deceased persons.

Mr. Moore moved that the Senate do now adjourn.

On this motion, Mr. Murphy demanded the yeas and nays. The Senate agreed thereto, and the Senate refused to adjourn. Yeas 15; Nays 19.

Affirmative—Messrs. Albright, Barnett, Bellamy, Cowles, Latham, Linney, Love, McClammy, McCotter, Moore, Norment, Price, Skinner, Speed and Waddell—15.

Negative—Messrs. Adams, Brogden, Cook, Currie, Dargan, Fleming, Graham of Alamance, Graham of Orange, Jones, King, Mauney, Merrimon, Morehead, Murphy, Olds, Robbins of Davidson, Troy, Whitesides and Worth—19.

S. B. 255, a bill to be entitled an act to charter the Catawba Valley Railroad

The amendment offered by the Committee on Internal Improvements was adopted, and the bill passed the second time.

Mr. Currie reported as correctly engrossed,

S. B. 258, a bill to be entitled an act to incorporate the Roanoke and Tar River Railroad Company;

S. B. 395, a bill to be entitled an act in relation to the Penitentiary, and amendment to S. B. 347, H. B. 315, a bill to be entitled an act supplemental to an act ratified 23d day of December, A. D. 1870, which were, by order, at once transmitted to the House of Representatives for concurrence.

A message was received from the House of Representatives, asking concurrence in accompanying amendments, adopted by the House to S. B. 253, a bill to be entitled an act in relation to town lots in the town of Franklin, N. C. The Senate concurred in the amendments.

The Senate then adjourned.

# SENATE CHAMBER, 7 P. M., February 20, 1871.

The Senate met pursuant to adjournment.

Bills on their second reading were taken up and acted on, as follows:

- S. B. 111, H. B. 44, a bill to be entitled an act to empower the personal representatives of the late sheriff of Person county to cellect arrears of taxes. Laid on table.
- S B. 114, H. B. 10, a bill to be entitled an act to repeal sec. 5 of chap. 86, of public laws of 1856-257. Recommitted to judiciary committee.
- S. B. 115, H. B. 61, a bill to be entitled an act to authorize John Patterson, late sheriff of Clay county, to collect arrears of taxes for 1868-'69. Laid on table.
- S. B. 130, H. B. 12, a bill to be entitled an act authorizing the late sheriffs of Yadkin and Surry counties to collect arrears of taxes. Laid on table.
- S. B. 141, a bill to be entitled an act in relation to the Western Turnpike Road. Laid on table.
- S. B. 155, a bill to be entitled an act to amend the charter of the town of High Point. Made special order for 8 P. M., 22d February, 1871.
- S. B. 157, H. B. 32, a bill to be entitled an act to repeal an act entitled an act in relation to taking fish from the northeast branch of the Cape Fear river, and for other purposes.

The amendments proposed by the Committee on Propositions and Grievances were adopted, and the bill made special order for 7½ P. M., 22d February, 1871.

- S. B. 168, a bill to be entitled an act to amend charter of the Bladen Land Company. Laid on table.
- S. B. 199, a bill to be entitled an act to authorize the county commissioners of Edgecombe to levy a special tax. The amendment offered by the committee on propositions and grievances was adopted and the bill laid on the table.

S. B. 210, a bill to be entitled an act supplemental to an act concerning the city of Wilmington. Laid on the table.

S. B. 234, a bill to be entitled an act to repeal chapter 76, public laws of 1869-'70. Laid on table.

S. B. 118, H. B. 71, a bill to be entitled an act to amend an act entitled an act in relation to the Western Turnpike Road, leading from Asheville westward, &c. Read and passed second and third times. Yeas 26; Nays none.

Affirmative—Messrs. Adams, Albright, Allen, Barnett, Battle, Brown, Cowles, Currie, Dargan, Eppes, Fleming, Graham of Alamance, Graham of Orange, Jones, King, Latham, Love, McClammy, McCotter, Merrimon, Morehead, Murphy, Skinner, Troy, Whitesides and Worth—26.

Negative-None.

S. B. 137, a bill to be entitled an act to authorize the commissioners of Guilford county to issue bonds for the purpose of funding and paying off the county debt. Read and passed second time. Yeas 26; Nays 1.

Affirmative—Messrs. Adams, Albright, Barnett, Battle, Brown, Cook, Cowles, Currie, Dargan, Fleming, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Latham, Love, McClammy, Merrimon, Morehead, Olds, Robbins of Davidson, Skinner, Troy, Whitesides and Worth—26.

Negative-Mr. Allen-1.

S. B. 145, a bill to be entitled an act to incorporate the Fayetteville Independent Bucket Company. Read and passed second and third times. Yeas 34; Nays 1.

Affirmative—Messrs. Adams, Albright, Allen, Barnett, Battle, Brogden, Brown, Cook, Carrie, Dargan, Fleming, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Speed, Troy, Waddell, Whitesides and Worth—34.

Negative—Mr. Cowles--1.

S. B. 163, a bill to be entitled an act in regard to town lots

in the town of Sparta. Read and passed second and third times. Yeas 34; Nays none.

Affirmative—Messrs. Adams, Albright, Allen, Barnett, Battle, Brogden, Brown, Cook, Cowles, Currie, Dargan, Eppes, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Olds, Robbins of Davidson, Troy, Waddell, Whitesides and Worth—34.

Negative-None.

S. B. 169, a bill to be entitled an act to revive and amend an act entitled an act to incorporate the Bladen Manufacturing Company, ratified 26th January, 1867. Read and passed second and third times. Yeas 36; Nays 1.

Affirmative—Messrs. Adams, Albright, Allen, Barnett, Battle, Brogden, Brown, Cook, Cowles, Dargan, Eppes, Fleming, Graham of Alamance, Hyman, Jones, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Speed, Troy, Waddell, Whitesides and Worth—36.

Negative-Mr. Graham of Orange-1.

S. B. 170, a bill to be entitled an act to prevent the sale of spirituous liquors within two miles or less of Antioch Baptist Church, in the county of Robeson. Read and passed second and third times. Yeas 27; Nays 7.

Affirmative—Messrs. Adams, Albright, Allen, Brogden, Brown, Currie, Dargan, Fleming, Graham of Alamance, Graham of Orange, Latham, Ledbetter, Linney, Love, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Norment, Robbins of Davidson, Speed, Troy, Waddell, Whitesides and Worth—27.

Negative—Messrs. Barnett, Battle, Cook, Cowles, Hyman, Jones and King—7.

S. B. 207, H. B. 45, a bill to be entitled an act to amend an

act incorporating the town of Hickory Tavern. Read and passed second and third times. Yeas 35; Nays none.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Brogden, Brown, Cook, Cowles, Currie, Dargan, Fleming, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Norment, Robbins of Davidson, Speed, Troy, Waddell, Whitesides and Worth—35.

Negative—None.

S. B. 237, a bill to be entitled an act to authorize the county commissioners of Halifax county to levy a special tax.

Mr. Graham, of Orange, moved the following amendment to come in after section 1: *Provided*, That the commissioners shall also levy a tax on the poll which shall be equal to the tax on three hundred dollars of property.

The amendment prevailed, and the bill as amended passed the second time. Yeas 21; Nays 16.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Brown, Cook, Cowles, Currie, Dargan, Eppes, Graham of Orange, Jones, Love, McClammy, McCotter, Moore, Morehead, Murphy, Speed, Waddell and Worth—21.

Negative—Messrs. Barnett, Brogden, Fleming, Graham of Alamance, Hyman, King, Latham, Ledbetter, Lehman, Linney, Mauney, Merrimon, Norment, Robbins of Davidson, Troy, and

Whitesides-16.

S. B. 257, a bill to be entitled an act to amend an act entitled an act for the better government and regulation of the town of Hertford, in Perquimans county. Read and passed second and third times. Yeas 31; Nays 1.

Affirmative—Messrs. Adams, Albright, Battle, Brogden, Brown, Cook, Cowles, Currie, Dargan, Eppes, Fleming, Graham of Alamance, Graham of Orange, Jones, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Moore, Morehead, Murphy, Norment, Robbins of Davidson, Speed, Whitesides and Worth—31.

Negative-Mr. Hyman-1.

Leave of absence from Friday until Wednesday following, was granted to Mr. McCotter, and to Mr. King, for four days to Monday next inclusive.

The Senate then adjourned.

#### SIXTY-SECOND DAY.

SENATE CHAMBER, February 21, 1871.

- The Senate met pursuant to adjournment.
- The journal of yesterday was read.
- Mr. Love presented a petition of certain Cherokee Indians, which was read and referred to committee on judiciary.
- Mr. Mauney submitted a report from the Committee on Printing.
- The Committee on Propositions and Grievances, reported avorably on S. B. 410, a bill to be entitled an act to prevent tishing with purse nets.
- S. B. 450, a bill to be entitled an act for the relief of the tax bayers of Buncombe county.
- S. B. 446, a bill to be entitled an act to authorize the comlnissioners of Johnston county, to issue bonds for the purpose of funding and paying off the county debts, with accompanying thmendment.
- The Committee on Roads, Ferrics, &c., reported unfavorably on S. B. 152, a bill to be entitled an act for the construction of bridge across the Yadkin river, at or near Wilksboro'.
- The Committee on Corporations reported favorably on S. 3. 456, H. R. 190, resolution concerning the Secretary of State.
- S. B. 374, a bill to be entitled an act in relation to the re-
- S. B. 458, H. B. 310, a bill to be entitled an act to incororate the town of Burnsville, in the county of Yancey.

The Committee on Internal Improvements reported favorably on S. B. 452, a bill to be entitled an act to incorporate the Petersburg, Clarksville, Roxboro', Yanceyville and Greensboro' Railroad Company.

The Committee, on Engrossed Bills reported as correctly Engrossed, S. R. 82, joint resolution concerning help for the Doorkeeper;

S. B. 297, a bill to be entitled an act to incorporate the town of Lincolnton;

S. R. 316, resolution in favor of W. P. Batchelor;

S. R. 435, joint resolution of instruction to the Committee on Public Buildings and Grounds;

Amendment to S. R. 129, H. R. 20, resolution instructing Senators and requesting Representatives in Congress to urge the passage of an act of general amnesty.

Amendment to S. R. 344, H. R. 115, resolution requesting Senators and Representatives in Congress from this State for an additional appropriation for improvement of Cape Fear Bar, which, together with

S. B. 221, a bill to be entitled an act concerning certain acts improperly commenced, heretofore reported, were transmitted to the House of Representatives for concurrence.

The following bills and resolutions were introduced, read and passed first time and referred, or were otherwise disposed of, as follows:

By Mr. Allen, a bill to be entitled an act to amend section 213, Code of Civil Procedure. To committee on judiciary.

By Mr. Cowles, a bill to be entitled an act for the better protection of the Literary Fund. To committee on Finance.

By Mr. Manney, a bill to be entitled an act to authorize the commissioners of Cabarrus county to levy a special tax. To committee on propositions and grievances.

By Mr. Waddell, a bill to be entitled an act in relation to Widows' years' support. To committee on judiciary.

By Mr. Murphy, a bill to be entitled an act to incorporate

Savings Bank at the town of Magnolia. To committee on corporations.

By Mr. Moore, resolution of adjournment in honor of the pirth-day of George Washington. Made special order for 12 M. to-morrow.

By Mr. Love, resolution concerning adjournment. To judiiary committee.

By Mr. Troy, resolution inquiring into Railroad charters.

By Mr. Whitesides, resolution requesting publication in Ralligh Sentinel of an act concerning removal of certain suits or auses of action. Adopted.

By Mr. Merrimon, resolution in relation to convicts in the Penitentiary. Laid over under the rules.

By Mr. Robbins, of Davidson, resolution in relation to steographer. Adopted.

The hour of  $10\frac{1}{2}$  A. M. having arrived, the consideration of the motion to reconsider the vote by which S. B. 2, a bill to be notitled an act to authorize county commissioners to appoint mance committees for their respective counties, and to extend the power of said committees was passed the third time, was esumed, it being the special order for that hour.

The question recurring on the motion to reconsider, the yeas nd nays were demanded. The Senate agreed thereto, and the notion prevailed. Yeas 20; Nays 19.

Affirmative—Messrs. Albright, Allen, Brogden, Brown, leming, Graham of Alamance, Ledbetter, Lehman, Linney, ove, Mauney, McClammy, McCotter, Merrimon, Morehead, Iurphy, Olds, Troy, Waddell and Whitesides—20.

Negative—Messrs. Adams, Barnett, Battle, Cook, Cowles, Jurrie, Dargan, Eppes, Graham of Orange, Hyman, Jones, Ling, Latham, Moore, Norment, Robbins of Davidson, kinner, Speed and Worth—19.

The question then recurring upon the passage of the bill on is third reading, Mr. King moved to refer it to the committee the judiciary. The motion prevailed.

The hour of 12 M. having arrived, S. B. 276, a bill to be entitled an act to authorize the Superior Courts to grant divorces in certain cases was taken up, it being special order for that hour, read and passed second time. The bill was then made special order for  $10\frac{1}{2}$  A. M., February 24th, 1871.

On motion of Mr. Hyman, the rules were suspended, and S. R. 372, resolution in favor of Alexander M. Turner, was read and passed second and third times. Yeas 19; Nays 9.

Affirmative—Messrs. Allen, Battle, Brogden, Cook, Cowles, Currie, Dargan, Eppes, Graham of Alamance, Graham of Orange, Hyman, Latham, McClammy, Moore, Murphy, Olds, Speed, Troy and Worth—19.

Negative—Messrs. Adams, King, Lehman, Linney, Love, Mauney, Robbins of Davidson, Waddell and Whitesides—9.

Leave of absence was granted to Mr. Morehead from Thursday to Tuesday next inclusive.

S. B. 74, a bill to be entitled an act in relation to the lien of mechanics and other laborers, and material men upon buildings, lands and articles of personal property, and to repeal certain acts on its second reading was taken up.

The amendments proposed by the Judiciary Committee were adopted.

Mr. Moore offered a substitute for the 5th section, which was not adopted.

Mr. Brogden offered an additional section, pending the consideration thereof, the Senate adjourned.

## SENATE CHAMBER, 7 P. M., February 22d, 1871.

The Senate met pursuant to adjournment.

Mr. Speed introduced resolution in favor of James M. Whedbee, which was read and passed first time, and referred to committee on propositions and grievances.

Bills on second reading was acted upon, as follows:

S. B. 279, a bill to be entitled an act to change the line between the counties of Bladen, Columbus and Robeson.

The question recurring upon its passage the second time, the

bill did not pass.

S. B. 284, a bill to be entitled an act in favor of the executors of the late Governor Worth. Read and passed second sine and made special order for 8½ P. M., February 22d.

S. B. 152, a bill to be entitled an act for the construction of a bridge across the Yadkin river, at or near Wilkesboro'.

Mr. Cook offered a substitute, which was read and adopted. The question recurring upon the passage of the bill on its second reading, Mr. Love demanded the yeas and nays, The denate agreed thereto, and the bill did not pass. Yeas 6; Nays 23.

Affirmative—Messrs. Barnett, Cook, Fleming, Jones, Linary and McCotter—6.

Negative—Messrs. Adams, Albright, Battle, Brogden, Brown, Currie, Dargau, Hyman, King, Ledbetter, Lehman, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Skinner, Troy, Waddell, Whitesides, and Worth—23.

S. B. 273, a bill to be entitled an act to change the county ine between Bladen and Columbus.

On motion of Mr. Currie, the word Green was stricken out and the word Rattlesnake inserted instead thereof. The bill samended then passed the second and third times. Yeas 27; Nays 3.

Affirmative—Messrs. Adams, Albright, Battle, Brown, Cook, Currie, Dargan, Fleming, Graham of Alamance, Jones, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Skinner, Troy, Waddell, Whitesides and Worth —27.

Negative-Messrs. Brogden, Hyman and King-3.

S. B. 275, a bill to be entitled an act to empower the town

of Wilkesboro', in the county of Wilkes. Read and passed second and third times. Yeas 30; Nays 1.

Affirmative—Messrs. Adams, Albright, Battle, Brogden, Brown, Cook, Currie, Dargan, Eppes, Fleming, Graham of Alamance, Jones, King, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Skinner, Troy, Waddell, Whitesides and Worth—30.

Negative-Mr. Hyman-1.

S. B. 288, a bill to be entitled an act to leagalize the acts of Justices of the Peace of Brunswick county. Read and passed second and third times. Yeas 27; Nays none.

Affirmative—Messrs. Adams, Albright, Allen, Brown, Cock, Currie, Dargan, Fleming, Graham of Alamance, Jones, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Skinner, Speed, Troy, Waddell, Whitesides and Worth—27.

Negative-None.

S. B. 309, a bill to be entitled an act to incorporate Marion and Cranberry Railroad Company.

Mr. Fleming moved the following amendments, which prevailed: insert the names of J. C. Newland, A. M. Erwin and William Burges, as directors in section 2. Strike out 2 feet and insert 18 inches. Strike out  $2\frac{1}{2}$  feet and insert 5 feet in section 4.

The bill as amended passed the second time. Yeas 26; Nays 5.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Brogden, Brown, Currie, Dargan, Eppes, Fleming, Hyman, Ledbetter, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Troy, Waddell, Whitesides and Worth—26.

Negative—Messrs. Cook, Graham of Alamance, Jones, King, and Lehman—5.

The bill was then read the third time.

Mr. Fleming moved to strike out in section 3, all after word same to line 9.

The amendment prevailed, and the bill did not pass. Yeas 13: Nays 15.

Affirmative—Messrs. Battle, Currie, Dargan, Fleming, Hyman, Love, McClammy, McCotter, Merrimon, Morehead Murphy, Troy and Worth—13.

Negative—Messrs. Adams, Albright, Allen, Brogden, Cook, Graham of Alamance, King, Ledbetter, Lehman, Linney, Mauney, Norment, Robbins of Davidson, Skinner and Waddell—15.

Mr. Robbins, of Davidson, reported as correctly enrolled, an act to authorize the Public Treasurer to pay money to erect the Penitentiary;

An act declaratory of the meaning of section 34, chapter 225, of laws of 1869-770, and for other purposes;

Resolutions in favor of William Smith;

Joint resolution appointing a special committee to ascertain the debt of the State;

Resolution in regard to printing;

Resolution in favor of employees by Clerks and Door-keepers;

Resolution to pay commissioners and clerks for services in Granville and Person contested election, which were ratified and transmitted to the Secretary of State.

The Senate then adjourned.

## SIXTY-THIRD DAY.

SENATE CHAMBER, February 22, 1871.

The Senate met pursuant to adjournment.

Journal of yesterday was read.

Committee on Engrossed Bills reported as correctly enrossed, the following:

S. B. 99, a bill to be entitled an act to amend chapter one hundred and sixty of the laws of one thousand eight hundred sixty-eight and one thousand and sixty-nine;

A bill to be entitled an act to revive and amend an act entitled an act to incorporate the Bladen Manufacturing hely to broducered aswer de

Company;

S. B. 202, a bill to be entitled an act to amend section 47, chapter 93, laws of 1868-'69; weeds twinger of humanited A

S. B. 257, a bill to be entitled an act to amend an act for the better government and regulation of the town of Hertford, in Perquimans county;

S. R. 372, resolution in favor of Alexander M. Turner.

S. R. 428, resolution in relation to the payment of assistants employed by the Doorkeeper for preserving order and serving subpænas, which were transmitted to the House of Representatives for concurrence.

The following bills, &c., were introduced, read and passed first time and referred, or were otherwise disposed of, as follows :

By Mr. Morehead, a bill in relation to Road Steamers, Referred to committee on internal improvements,

By Mr. McClammy, a bill to be entitled an act to amend the charter of the Planters Railroad Company, and to consolidate the same with the Wilmington and Onslow Railroad Company. Referred to committee on internal improvements.

By Mr. Morehead, a bill in relation to the meadows in Rockingham county. Referred to committee on propositions and grievances.

By Mr. Hyman, resolution in relation to the report of the Secretary of State, Adopted.

Committee on the Judiciary reported favorably on S. B. 426, H. B. 35, a bill to be entitled an act to legalize certain act of commissioners of Mitchell county, and asked to be discharged from the further consideration of S. B. 418, H. B. 46, a bill to be entitled an act to render valid and binding the

weed, the following:

acts of certain officers in this State, and for other purposes.

The committee was discharged.

A message was received from the House of Representatives transmitting S. B. 396, H. B. 402, a bill to be entitled an act to authorize the commissioners of the town of Washington to collect taxes heretofore levied, and S. B. 382, H. B. 432, a bill to be entitled an act to authorize the county commissioners of Alamance county to revise the jury list of said county, with engrossed copy of amendments thereto, which were severally concurred in by the Senate.

Committee on Corporations reported S. B. 15, a bill to be entitled an act for the appointment of inspector and weigher of flour, and weigher of cotton in the city of Raleigh, recommending the adoption of the accompanying substitute therefor.

Leave of absence was granted to Mr. McClammy from Saturday until Wednesday; to Mr. Murphy for Saturday and Monday; to Mr. Ledbetter from to-day until next Wednesday.

Mr. Robbins, of Davidson, reported as correctly enrolled,

An act to confirm the sales of lots in the town of Sparta, Alleghany county;

An act to amend an act ratified 14th Dec., 1869, amendatory of an act incorporating the town of Hickory Travern, ratified 12th Dec. 1863;

An act in relation to town lots in the towns of Franklin and Boone;

An act to restore and reinstate the records of the several courts in the State destroyed by fire and otherwise, during the late war;

An act to amend an act entitled and act relative to the Western Turnpike Road, leading from Asheville westward,

Which were ratified and transmitted to the Secretary of State.

Mr. Albright moved to reconsider the vote by which S. B. 309, a bill to be entitled an act to incorporate Marion and Cranberry Railroad Company was rejected yesterday on its

third reading. The motion prevailed, and the bill was recommitted to the Committee on Internal Improvements.

A report from chairman of the Penitentiary Commission was read and reterred to committee on penal institutions.

A report from the Treasurer of the State, relative to payment of salaries of Code Commission, was read and laid on the table.

A report from the Adjutant General, in reply to resolution of enquiry, was read and laid on table.

The unfinished business of yesterday was then taken up.

S. B. 74, a bill to be entitled an act in relation to the lien of mechanics, &c., the question being upon the adoption of the amendment offered by Mr. Brogden.

The hour of 10½ A. M. having arrived, the special order, S. R. 305, to wit: Resolution concerning a canal from Waccamaw to Little River, S. C., was taken up and its further consideration postponed until after the consideration of S. B. 74.

The consideration of S. B. 74 was then resumed, during which the hour of 11 A. M. having arrived, S. B. 68, a bill to be entitled an act to amend section 52 of an act entitled an act to provide for a system of public instruction, it being the special order for that hour, was taken up on its third reading.

The question recurring upon the adoption of the substitute offered by the Committee on Education and Literary Fund, Mr. Gilmer moved to amend by inserting an additional section. The amendment was adopted.

Mr. Graham, of Orange, moved to amend by inserting after word "securities," in section 1, the following: "or railroad bonds secured by a first mortgage," and to add to said section the following: "But no such investment shall be made except in the approval of the General Assembly." The amendments prevailed and the bill was, on motion, recommitted to the committee on education.

Mr. Merrimon moved to reconsider the vote just taken.

The motion to reconsider did not prevail.

On motion of Mr. Robbins, of Davidson, S. B. 200, a bill to

be entitled an act to amend certain acts in respect to bank bills, &c., was made special order for a quarter past twelve o'clock.

At 12 M. the special order, resolution of adjournment in honor of the birthday of George Washington, was taken up.

Mr. Love offered a substitue.

Mr. Worth offered a substitute.

Mr. Love moved to lay resolution and amendments upon the table, and on this motion demanded the year and nays.

The Senate agreed thereto, and the motion did not prevail. Yeas 17; Nays 27.

Affirmative—Messrs. Albright, Barnett, Battle, Beasley, Brown, Crowell, Lehman, Linney, Love, Merrimon, Morehead, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Worth—17.

Negative—Messrs. Adams, Allen, Bellamy, Brogden, Cook, Cowles, Dargan, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Latham, Mauney, McClammy McCotter, Moore, Murphy, Norment, Olds, Price, Speed and Whitesides—27.

The resolution and amendments were then, on motion of Mr. Jones, made special order for 12 M., on 4th July, 1871.

At a quarter past 12 M. the special order for that hour, S. B. 200, a bill to amend certain acts in respect to bank bills, &c., was taken up on its second reading.

The question being upon the adoption of the substitute offered by Mr. Robbins, of Davidson,

Mr. Gilmer moved the following amendment, which did not prevail, strike out all after the words "payment or not," and insert the following:

Provided, Such set off shall be allowed in no case, in which the defendant did not own and possess the said bank notes at the time of suit brought, or the assignment, endowment or appointment of the receiver, as the case may be."

Mr. Gilmer moved to amend by adding the following:

"Provided, That before any defendant or defendants shall receive the benefit of this act, in cases where bank notes are sought to be set off against claims of banks which have been scaled, he or they shall make affidavit of the amount paid for such bank notes, which amount shall be set off, against the scaled value of said claims."

The amendment did not prevail.

Mr. Cowles moved to refer to Judiciary Committee, with instruction to bring in a general bill in relation to "set off," &c.

Mr. Robbins, of Rowan, called the previous question. The Senate sustained the call.

The question recurring first upon the adoption of the substitute, it was adopted.

The bill then as amended passed the second and third times. Yeas 35; Nays 9.

Affirmative—Messrs. Adams, Albright, Allen, Barnett, Battle, Beasley, Bellamy, Brogden, Brown, Cook, Coles, Crowell, Currie, Eppes, Fleming, Flythe, Latham, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whitesides and Worth—35.

Negative—Messrs. Dargan, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Lehman and Moore—9.

At 1 o'clock P. M., S. B. 401, H. B. 279, a bill to be entitled an act to lay off and establish a county by the name of Swain, the special order for that hour was read second time and rejected.

On motion of Mr. Moore, the Senate adjourned.

# SENATE CHAMBER, 7 P. M., February 22d, 1871.

The Senate met pursuant to adjournment.

On leave granted, the following bills were introduced and read and passed first time, and referred as follows:

By Mr. Merrimon, a bill to be entitled an act to incorporate the Asheville Savings Bank. To committee on corporations.

By Mr. Gilmer, a bill to be entitled an act to amend section 18, chapter 229, laws of 1869-70. To committee on judiciary.

By Mr. Robbins, of Davidson, a bill to be entitled an act to incorporate the Southern Manutacturing Company. To committee on corporations.

By Mr. Robbins, of Davidson, a bill to be entitled an act to incorporate the Verona Mining and Manufacturing Company. To committee on corporations.

Bills on their second reading were then acted on, as follows: S. B. 298, a bill to be entitled an act to authorize the commissioners of Duplin county to levy a special tax. Passed second time. Yeas 27; Nays 5.

Affirmative—Messrs. Adams, Albright, Battle, Beasley, Brogden, Cook, Cowles, Crowell, Dargan, Fleming, Flythe, Gilmer, Hawkins, Jones, King, Linney, Love, Mauney, McClammy, McCotter, Moore, Murphy, Olds, Skinner, Speed, Troy and Worth—27.

Negative—Messrs Hyman, Lehman, Merrimon, Robbins of Davidson and Robbins of Rowan—5.

S. B. 303, a bill to be entitled an act authorizing the commissioners of Edgecombe county to issue bonds. The amendments offered by Committee on Propositions and Grievances were adopted, and the bill passed the second time. Yeas 31; Nays 2.

Affirmative—Messrs. Adams, Albright, Battle, Beasley, Brogden, Brown, Cook, Cowles, Crowell, Dargan, Eppes, Fleming, Flythe, Gilmer, Hawkins, Hyman, Jones, King,

Lehman, Linney, Love, Mauney, McClammy, McCotter, Moore, Murphy, Olds, Skinner, Speed, Troy and Worth—31.

Negative-Messrs. Merrimon and Robbins of Davidson-

S. B. 306, a bill to be entitled an act in relation to the corporate limits of Thomasville.

Mr. Robbins, of Davidson, offered an amendment, which did not prevail, and the bill passed the second time.

S. B. 157, H. B. 32, a bill to be entitled an act to repeal an act entitled an act in relation to taking fish from the northeast branch of the Cape Fear river, and for other purposes.

Mr. Beasley moved to strike out words, "Wednesday morning sunrise, until Thursday morning sunrise," and insert words, "Saturday night, twelve o'clock, to Sunday night, twelve o'clock." The motion did not prevail, and the bill passed the second and third times. Yeas 28; Nays 6.

Affirmative—Messrs. Adams, Albright, Battle, Brown, Cook, Cowles, Crowell, Currie, Dargan, Fleming, Flythe, Gilmer, Graham of Alamance, Hawkins, Hyman, King, Lehman, Linney, Love, Mauney, McClammy, McCotter, Murphy, Robbins of Davidson, Robbins of Rowan, Speed, Troy and Worth—28.

Negative—Messrs. Beasley, Brogden, Graham of Orange, Jones, Merrimon and Skinner—6.

S. B. 234, a bill to be entitled an act to repeal chapter 76, private laws of 1869-'70, was, under a suspension of the rules, taken from the table and read and passed second and third times. Yeas 32; Nays 1.

Affirmative—Mesers. Adams, Battle, Beasley, Brogden, Brown, Cook, Cowles, Crowell, Currie, Dargan, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Jones, King, Lehman, Linney,—Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Robbins of Davidson, Skinner, Speed, Troy and Worth—32.

Negative-Mr. Murphy-1.

S. B. 311, a bill to be entitled an act to incorporate the Tomotla Iron Company. Read and passed second and third times. Yeas 26; Nays 5.

Affirmative—Messrs. Albright, Battle, Beasley, Cook, Cowles, Crowell, Currie, Dargan, Flythe, Gilmer, Graham of Alamance, Hawkins, Jones, King, Linney, Love, McClammy McCotter, Moore, Murphy, Olds, Robbins of Davidson, Skinner, Troy, Whitesides and Worth—26.

Negative-Messrs. Brogden, Brown, Eppes, Lehman and

Mauney-5.

S. B. 321, a bill in relation to the sale of spirituous liquors n the town of Lincoluton. Read second time and laid on the able.

S. B. 155, a bill to be entitled an act to amend charter of he town of High Point.

Mr. Graham moved an amendment submitting question o qualified voters of said town. The amendment prerailed, and the bill did not pass its second reading.

On motion of Mr. Dargan, the vote by which S. B. 401, H. 3. 279, a bill to be entitled an act to lay off and establish a ounty by the name of Swain, was rejected to-day on its second eading, was reconsidered, and under a suspension of the rules, assed second and third times. Yeas 36; Nays 2.

Affirmative—Messrs. Adams, Albright, Battle, Beasley, Brown, Cook, Cowles, Crowell, Currie, Dargan, Eppes, Flenng, Flythe, Gilmer, Graham of Alamance, Graham of Orange. Iawkins, Hyman, Jones, Lehman, Linney, Love, Mauney, IcClammy, McCotter, Merrimon, Moore, Murphy, Olds, Jobbins of Davidson, Skinner, Speed, Troy, Waddell, White-Ides and Worth—36.

Negative-Messrs. Brogden and King-2.

S. B. 411, H. B. 332, a bill to be entitled an act to authorize accommissioners of Yancey county to levy a special tax to ay debts. Read and passed second and third times. Yeas 3; Nays none.

Affirmative—Messrs. Adams, Albright, Battle, Beasley, rogden, Brown, Cowles, Crowell, Currie, Dargan, Fleming, lythe, Gilmer, Graham of Alamance, Graham of Orange, awkins, Jones, King, Linney, Love, Mauney, McClammy,

McCotter, Merrimon, Moore, Murphy, Robbins of Davidson, Skinner, Speed, Troy, Waddell, Whitesides and Worth—33.

Negative—None.

The bill was then made special order for 101 A. M. to-morrow.

S. B. 307, a bill to be entitled an act to incorporate the trustees of Augsburg Male and Female Academy. Read and passed second and third times. Yeas 36; Nays none.

Affirmative—Messrs. Adams, Albright, Battle, Beasley, Brogden, Brown, Cook, Cowles, Crowell, Currie, Dargan, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Jones, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Murphy, Olds, Robbins of Davidson, Skinner, Speed, Troy, Waddell, Whitesides and Worth—36.

Negative-None.

At 8 P. M., S. B. 284, a bill to be entitled an act in favor of the Executors of the late Jonathan Worth, the special order for that hour was taken up, read third time, and rejected. Yeas 14; Nays 23.

Affirmative — Messrs. Battle, Brown, Currie, Dargan, Gilmer, Graham of Alamance, Graham of Orange, Jones, Lehman, McClammy, Murphy, Olds, Speed and Troy—14.

Negative—Messrs. Adams, Albright, Beasley, Brogden, Cook, Cowles, Crowell, Eppes, Fleming, Flythe, Hawkins, King, Linney, Love, Mauney, McCotter, Merrimon, Moore, Price, Robbins of Davidson, Skinner, Waddell and Whitesides—23.

S. B. 324, a bill to be entitled an act to authorize the county commissioners of Stokes county to levy a special tax. Read and passed second time. Yeas 30; Nays 3.

Affirmative—Messrs. Adams, Albright, Battle, Beasley, Brogden, Brown, Cook, Cowles, Currie, Dargan, Fleming, Flythe, Gilmer, Graham of Orange, Hawkins, Hyman, Jones, King, Linney, Mauney, McClammy, McCotter, Moore, Mur-

battery Marghay, Prince Bound and Worthers 100, M. Clargetter

, Price, Speed, Troy, Waddell Whitesides and Worth 0.

Vegative—Messrs. Merrimon, Robbins of Davidson and nner—3.

B. 322, a bill to be entitled an act to incorporate the ak of Eastern North Carolina. Read and passed second e, and the bill was made special order for 8 P. M. Friday. Ir. Cowles moved that the Senate do now adjourn. The mion did not prevail.

B. 325, a bill to be entitled an act in relation to entries of a lin Jackson county. Read and passed second and third tes. Yeas 31; Nays none.

Affirmative—Messrs. Adams, Albright, Brogden, Brown, ck, Cowles, Currie, Dargan, Fleming, Gilmer, Graham of mance, Graham of Orange, Hawkins, Hyman, Jones, cg, Lehman, Linney, Mauney, McClammy, McCotter, Merlon, Murphy, Price, Robbins of Davidson, Skinner, Speed, y, Waddell, Whitesides and Worth—31.

Vegative—None.

B. 330, a bill to be entitled an act to authorize the compsioners of Rockingham county to issue bonds to levy a total tax to fund and pay off the county debts. Read and sed second time. Yeas 24; Nays 5.

firmative—Messrs. Adams, Albright, Battle, Cook, Cowles, Fgan, Fleming, Gilmer, Graham of Alamance, Graham of Inge, Hawkins, Hyman, Jones, Lehman, Linney, McInmy, McCotter, Price, Skinner, Speed, Troy, Whites and Worth—24.

Vegative—Messrs. Brogden, King, Merrimon, Moore and Pobins of Davidson—5.

ir. Price moved that the Senate do now adjourn.

Senate agreed thereto, and the motion did not prevail.

1 S 10; Nays 25.

ffirmative—Messrs. Adams, Battle, Brown, Eppes, Jones, Jotter, Murphy, Price, Speed and Worth—10.

Negative—Messrs. Albright, Beasley, Brogden, Cook, Cowle Crowell, Currie, Dargan, Fleming, Gilmer, Graham of Almance, Graham of Orange, Hawkins, Hyman, King, Leman, Linney, Mauney, McClammy, Merrimon, Moore, Robbi of Davidson, Skinner, Troy and Whitesides—25.

S. B. 290, a bill to be entitled an act to incorporate the Pequimans Savings Bank in the town of Hertford, North Carolin Read and passed second and third times. Yeas 24; Nays

Affirmative—Messrs. Adams, Albright, Battle, Beasle Brogden, Cook, Cowles, Dargan, Eppes, Fleming, Gilm Graham of Alamance, Graham of Orange, Hyman, Jon Mauney, McClammy, Merrimon, Moore, Murphy, Robbins Davidson, Skinner, Troy and Worth—24.

Negative—Messrs. Currie, King, Linney, McCotter a Whitesides—5.

Mr. Murphy moved that the Senate do now adjourn.

Upon this motion, Mr. Cowles demanded the yeas and nay The Senate agreed thereto, and the motion did not preva Yeas 4; Nays 25.

Affirmative—Messrs. Eppes, Graham of Orange, Jones a Murphy—4.

Negative—Messrs. Adams, Albright, Battle, Beasley, Broden, Cook, Cowles, Crowell, Currie, Dargan, Fleming, Gilm Graham of Alamance, Hawkins, Hyman, King, Linney, Maney, McClammy, Merrimon, Moore, Robbins of Davidso Troy, Whitesides and Worth—25.

S. B. 336, H. B. 278, a bill to be entitled an act relative the sale of spirituous liquors in the town of Asheville.

Mr. Merrimon moved to insert after the word "within" section 8, words "in conflict with." The amendment p vailed, and the bill passed the second and third times. Ye 19; Nays 8.

Affirmative—Messrs. Adams, Albright, Beasley, Brogde Brown, Dargan, Eppes, Gilmer, Graham of Alamance, Gham of Orange, Linney, Mauney, McClammy, Merrimo ore, Robbins of Davidson, Troy, Whitesides and Worth

Jegative—Messrs. Battle, Cook, Cowles, Hyman, Jones, g, Murphy and Skinner—8.

Ir. Cook moved that the Senate do now adjourn.

pon this motion Mr. Cowles demanded the yeas and nays. Senate agreed thereto, and the motion prevailed. Yeas Nays 11.

k, Currie, Eppes, Gilmer, Graham of Alamance, Graham range, Jones, McClammy, McCotter, Merrimon, Murphy, bins of Davidson, Skinner, Troy and Worth—19.

Tegative—Messrs. Brogden, Cowles, Dargan, Fleming, kkins, Hyman, King, Linney, Mauney, Moore and White-s-11.

Martin - Mount of Administrate Heritality Hattley

# SIXTY-FOURTH DAY.

Senate Chamber, February 23d, 1871.

Cooks, Cincles, Crowell, (Cheristy Burgans, May Cookser et Assummes, Graham of Counge, Haw

he Senate met pursuant to adjournment.

purnal of yesterday was read.

r. Cook presented the following protest, which was read ordered to be spread upon the journals:

# PROTEST.

# SENATE CHAMBER, February 22d, 1871.

e, the undersigned, Senators, do most emphatically enter protest against the action of the Senate in postponing and ing special order for 4th July next, resolutions commemve of the birth of that immortal patriot, statesman and, George Washington, believing that this action of the

Senate is susceptible of being construed as indicative of want of that respectand veneration for the memory due an universally accorded by civilized people "to the savior of hi country," who lived and died without reproach and without peer.

ANDREW C. COWLES, C. L. COOK, C. H. BROGDEN, R. W. KING.

At a quarter past 10 A. M., S. B. 412, H. B. 332, a bill to be entitled an act to authorize the commissioners of Yance county to levy a special tax to pay debts, the special order for that hour, was read and passed the third time. Yeas 26 Nays 6.

Affirmative—Messrs. Adams, Albright, Battle, Beasle Cook, Cowles, Crowell, Currie, Dargan, Fleming, Gilme Graham of Alamance, Graham of Orange, Hawkins, Linne Love, Mauney, McClammy, McCotter, Merrimon, Moor Murphy, Skinner, Troy, Waddell and Worth—26.

Negative-Messrs. Brogden, Hyman, King, Price, Robbi

of Davidson and Robbins of Rowan-6.

Mr. Fleming moved to reconsider the vote just taken, as further moved to lay that motion on the table. The latt motion prevailed.

The Committee on Agriculture, Mining, &c., reported favorably on S. B. 460, H. B. 395, a bill to be entitled an act to it corporate the Pennsylvania and North Carolina Land and Lumber Company.

The Committee on Corporations reported favorably on

S. B. 468, a bill to be entitled an act to incorporate a Saings Bank in the town of Morganton, N. C.

S. B. 473, a bill to be entitled an act to incorporate the Asheville Savings Bank;

S. B. 475, a bill to be entitled an act to incorporate the Verona Mining and Manufacturing Company;

S. B. 476, a bill to be entitled an act to incorporate the Southern Manufacturing Company.

The Committee on the Judiciary reported unfavorably on

S. B. 429, a bill to be entitled an act to provide for a single summons in civil actions, and the manner of service of the same.

The Committee on Engrossed Bills reported as correctly engrossed,

S. B. 145, a bill to be entitled an act to incorporate the Fayetteville Independent Bucket Company;

S. B. 170, a bill to be entitled an act to prevent the sale of spirituous liquors within two miles or less of Antioch Baptist Church, in the county of Robeson;

S. B. 273, a bill to be entitled an act to change the county line between Bladen and Columbus;

S. R. 465, resolution in regard to the publication of a certain act in the Raleigh Sentinel newspaper;

Which were transmitted to the House of Representatives for

The following bills, &c., were introduced, read and passed first time and reterred, or otherwise disposed of, as follows:

By Mr. Love, a bill in relation to salaries of certain officers. Referred to committee on propositions and grievances.

By Mr. Cook, a bill to be entitled an act to amend section 7, shapter 42, of Revised Code of North Carolina. To committee on finance.

By Mr. Norment, a bill to be entitled an act in relation to the duties of the Keeper of the Capitol. Placed on calendar.

By Judiciary Committee, a bill to be entitled an act to amend in act entitled an act in relation to proceedings in contempt, and to further define the offence of contempt. Placed on the calendar.

By Mr. Jones, a bill to be entitled an act to amend chapter 48 of the Revised Code, entitled fences. To committee on propositions and grievances.

By message from the House of Representatives:

H. B. 84, a bill to be entitled an act for the relief of James M. Young, sheriff of Buncombe county. To committee on propositions and grievances.

H. B. 119, a bill to be entitled an act to abolish the special court of the city of Wilmington. To committee on judiciary.

H. R. 214, resolution in favor of F. F. Jones, sheriff of Tyrrell county. To committee on propositions and grievances.

H. B. 223, a bill to be entitled an act to repeal an act concerning the preservation of health of Beautort harbor. To committee on propositions and grievances.

H. B. 233, a bill to be entitled an act to legalize and make valid an election held in the town of Hendersonville, in the county of Henderson, tor municipal officers of said town. To committee on corporations.

H. B. 415, a bill to be entitled an act defining the rights of tax collectors. To committee on finance.

H. B. 449, a bill to be entitled an act to suppress secret political associations. To committee on judiciary.

H. B. 458, a bill to be entitled an act to amend an act to incorporate the Warm Springs Colony, in Madison county, ratified the 15th February, 1871. To committee on corporations.

Leave of absence was granted to Mr. Hyman from to-morrow until Friday following.

Mr. McClammy moved that the vote by which S. B. 284, a bill to be entitled an act in favor of the executors of the late Governor Worth on its third reading was rejected on yesterday, be reconsidered, and that the further consideration of the motion be made special order for to-night at 10 minutes to 8 o'clock. The motion prevailed.

Under a suspension of the rules, S. B. 282, a bill to be entitled an act in relation to the duties of the Keeper of the Capitol was read and passed second and third times. Yeas 22; Nays 13.

Affirmative-Messrs. Adams, Allen, Battle, Brown, Cook,

Currie, Dargan, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Latham, Lehman, Love, Mauney, Moore, Murphy, Norment, Robbins of Rowan, Skinner, Speed and Waddell—22.

Negative—Messrs. Albright, Beasley, Brogden, Eppes, Hawkins, Hyman, King, McCotter, Merrimon, Olds, Price, Robbins of Davidson and Troy—13.

Ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

On motion of Mr. Price, the rules were suspended and S. R. 305, joint resolution concerning a canal from the Waccamaw to Little River, S. C., was read and adopted.

Mr. Albright moved the following:

Resolved, That from and after to-day the Senate meet at 9 o'clock A. M., on each day.

Pending the consideration thereof, the hour of 11 A. M. arrived, and the Senate took a recess to sit as a court of impeachment.

The court having adjourned, the Senate was called to order by the Chair.

Mr. Robbins, of Davidson, reported as correctly enrolled,

An act to legalize the acts of the Justices of the Peace of Brunswick county;

An act to amend the charter of the city of Raleigh;

An act to amend an act entitled an act to incorporate the Atlantic, Tennessee and Ohio Railroad Company;

Resolution instructing Senators and requesting Representatives in Congress to urge the passage of an act of general ammesty;

Resolution requesting members of Congress to solicit appropriations to remove obstructions from Cape Fear bar and Pamlico river;

Joint resolution concerning help for the Doorkeepers of the Senate and House of Representatives;

Resolution in relation to the payment of assistants employed by the Doorkeeper to preserve order and execute process, which were ratified and transmitted to the Secretary of State.

Leave of absence from Saturday and Monday was granted to Mr. London, Assistant Clerk of the Senate.

The Senate then adjourned.

# SENATE CHAMBER, 7 P. M., February 23, 1871.

The Senate met pursuant to adjournment.

Mr. Cook introduced a bill to be entitled an act for the relief of sheriffs in certain cases. Read and passed first time and referred to committee on the judiciary.

Committee on Finance reported favorably on S. B. 480, H. B. 415, a bill to be entitled an act defining the rights of tax collectors.

Committee on Propositions and Grievances reported favorably on S. R. 484, H. R. 214, resolution in favor of F. F. Jones sheriff of Tyrrell county.

Bills on second reading were acted upon, as follows:

S. B. 364, H. B. 106, a bill to be entitled an act authorizing the commissioners of Brunswick county to issue bonds, mad special order for 8½ P. M., 1st March.

S. R. 380, resolution in favor et Burgess Montgomery Read and passed second and third times. Yeas 29; Nay pone.

Affirmative—Messrs, Adams, Albright, Battle, Beasle, Crowell, Dargan, Eppes, Fleming, Flythe, Gilmer, Graham of Orange, Hyman, King, Latham, Lehman, Linney, Lov Mauney, McClammy, McCotter, Merrimon, Moore, Murph Price, Robbins of Davidson, Robbins of Rowan, Skinne Troy and Worth—29.

Negative-None ..

S. B. 339, H. B. 163, a bill to be entitled an act to incorp

rate Clay Lodge, No. 301, Ancient York Masons. Read and passed second and third times. Yeas 37; Nays none.

Affirmative—Messrs. Adams, Albright, Battle, Beasley, Brogden, Brown, Cook, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Latham, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Murphy, Price, Robbins of Davidson, Skinner, Troy, Whitesides and Worth—37.

Negative-None.

S. R. 433, resolution in favor of Jefferson Hinton. Read and passed third time. Yeas 33; Nays none.

Affirmative—Messrs. Adams, Albright, Battle, Beasley, Crowell, Dargan, Edwards, Eppes, Fleming, Flythe, Gilmer, Graham of Orange, Hyman, Jones, King, Latham, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Murphy, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Whitesides and Worth—33.

Negative-None.

S. B. 341, H. B. 259, a bill to be entitled an act to charter the Forney's Creek Turnpike Company in Jackson county, made special order for 7½ P. M., 27th February.

S. B. 343, H. B. 251, a bill to be entitled an act to incorporate the town of Waynesville, in the county of Haywood. Read and passed second and third times. Yeas 40; Nays none.

Affirmative—Messrs. Adams, Albright, Battle, Beasley, Bellamy, Brogden, Brown, Cook, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Jones, King, Latham, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Whitesides and Worth—40.

Negative-None.

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S. R. 484, H. R. 214, resolution in favor of F. F. Jones,

sheriff of Tyrrell county. Read and passed third time. Yeas 34; Nays 5.

Affirmitive—Messrs. Adams, Albright, Battle, Brogden, Brown, Cook, Cowles, Currie, Dargan, Edwards, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Hyman, Jones, King, Latham, Linney, Mauney, McClammy, McCotter, Murphy, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy Waddell and Worth—34.

Negative—Messrs. Bellamy, Graham of Orange, Lehman, Moore and Whitesides—5.

S. B. 480, H. B. 415, a bill to be entitled an act defining the rights of tax collectors, read and passed second time. The bill was read third time.

Mr. Cowles called the previous question on the bill.

Upon this Mr. Speed demanded the yeas and nays. The Senate agreed thereto, and the main question was ordered to be put. Yeas 28; Nays 11.

Affirmative—Messrs. Adams, Albright, Brown, Cook, Cowles, Crowell, Currie, Dargan, Edwards, Fleming, Graham of Alamance, Jones, King, Latham, Lehman, Linney, Love, Mauney, McClammy, McCotter, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whitesides and Worth—28.

Negative—Messrs. Bellamy, Eppes, Flythe, Gilmer, Graham of Orange, Hyman, Merrimon, Moore, Murphy, Norment and Speed—11.

The bill then passed the third time. Yeas 31; Nays 9.

Affirmative—Messrs. Adams, Albright, Brogden, Brown, Cook, Cowles, Crowell, Currie, Dargan, Edwards, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Lehman, Linney, Love, Mauney, McClammy, McCotter, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whitesides and Worth—31.

Negative—Messrs. Battle, Bellamy, Eppes, Flythe, Latham, Merrimon, Moore, Murphy and Speed—9.

Mr. Fleming moved that the Senate proceed to the consider

ation of the motion to reconsider the vote on S. B. 284, a bill to be entitled an act in favor of the executors of the late Gov. Worth.

Pending the motion, the Senate adjourned.

#### SIXTY-FIFTH DAY.

SENATE CHAMBER, February 24, 1871.

The Senate met pursuant to adjournment.

The journal of yesterday was read.

The following bills, &c., were introduced, read and passed first time, and referred, or were otherwise disposed of, as follows:

By Mr. Worth, a bill to be entitled an act to incoporate the Cape Fear River and Yadkin Railroad. To committee on corporations.

By Mr. Lehman, a bill to be entitled an act to repeal chapter 46, of laws of 1868–'69, and chapter 131, of laws 1869-'70, and to re-enact chapter 9, of the Revised Code, entitled attorneys at law. To committee on judiciary.

By Mr. Graham, of Alamance, a bill to be entitled an act to punish persons guilty of obtaining money, goods, &c., under talse pretences. To committee on judiciary.

By Mr. Lehman, resolution in favor of Adjutant General. Laid over under the rules.

The Committee on Engrossed Bills, reported as correctly engrossed,

S. B. 307, a bill to be entitled an act to incorporate the Trustees of Augsburg Male and Female Academy;

S. B. 325, a bill to be entitled an act in relation to entries of land in Jackson county;

S. B. 234, a bill to be entitled an act to repeal chapter 76, private laws of 1869-70, and engrossed copy of amendments to

S. B. 157, H. B. 32, a bill to be entitled an act to repeal an act in relation to taking fish from Northeast Branch of Cape Fear river;

S. B. 200, a bill to be entitled an act to amend section 21, of an ordinance of the Convention of 1865, 1866 and 1868;

S. B. 336, H. B. 278, a bill to be entitled an act in relation to sale of spirituous liquors in Asheville, thereto severally adopted by the Senate,

Which were transmitted to the House of Representatives for concurrence.

The unfinished business of yesterday, the resolution of Mr. Albright relating to the hour of the meeting of the Senate, was then taken up.

Mr. Olds moved to strike out  $9\frac{1}{2}$  A. M., and insert 9 A. M. Mr. Cook moved to insert  $8\frac{1}{2}$  A. M.

On motion of Mr. Graham, of Orange, the resolution was laid on the table.

Under a suspension of the rules, S. B. 452, a bill to be entitled an act to incorporate the Petersburg, Clarksville, Roxboro', Yanceyville and Greensboro' Railroad Company, was read and passed second and third times. Yeas 34; Nays none.

Affirmative—Messrs. Adams, Albright, Allen, Barnett, Beasley, Brown, Cook, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Flythe, Graham of Alamance, Hawkins, Latham, Lehman, Linney, Love, Mauney, McClammy, Merrimon, Moore, Murphy, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Worth—34.

Negative-None.

On motion of Mr. Norment, S. B. 460, H. B. 395, a bill to be entitled an act to incorporate the Pennsylvania and North Carolina Land and Lumber Company, was made special order for 7½ P. M., March 3d, 1871.

At  $10\frac{1}{2}$  A. M., S. B. 276, a bill to be entitled an act to authorize the Superior Courts to grant divorces in certain cases, was taken up, read the third time and laid on the table.

The hour of 11 A. M. having arrived, the Senate took a recess to sit as a court of impeachment.

The court having adjourned, the Senate was called to order by the Chair.

Mr. Robbins, of Davidson, reported as correctly enrolled:

An act to establish a new county by the name of Swain;

An act to authorize Robert M. Stafford, sheriff of Guilford county, to collect arrears of taxes:

An act to incorporate the Mechanics Association of Wilmington, N. C.;

An act defining the authority of tax collectors;

An act in relation to bonds to be given by administrators, executors and collectors:

An act to authorize the county commissioners of Alamance and Davidson to revise the jury lists of said counties:

An act to authorize the commissioners of the town of Washington to collect taxes heretofore levied;

An act to prohibit justices of the peace from practising as attorneys at law in certain cases, which were ratified and transmitted to the Secretary of State.

The Senate then adjourned until 7 P. M.

# SENATE CHAMBER, 7 P. M., February 24, 1871.

The Senate met pursuant to adjournment and proceeded to the consideration of the unfinished business of last night, to wit, the motion of Mr. Fleming, to reconsider the vote by which S. B. 284, a bill to be entitled an act in tavor of the executors of the lat Governor Worth, was rejected.

The motion to reconsider prevailed and the bill was made special order for  $7\frac{1}{2}$  P. M., 1st March.

S. B. 15, a bill to be entitled an act for the appointment of inspector and weigher of flour and cotton in the city of Raleigh.

Substitute offered by Committee on Corporations was adopted, and the bill passed the third time. Yeas 27; Nays 6.

Affirmative—Messrs. Adams, Allen, Battle, Cook, Cowles, Crowell, Currie, Dargan, Edwards, Gilmer, Graham of Orange, Jones, Latham, Lehman, Linney, Love, Mauney, McClammy, Moore, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell and Whitesides—27.

Negative—Messrs. Beasley, Bellamy, Brogden, Merrimon, Troy and Worth—6.

S. B. 114, H. B. 10, a bill to be entitled an act to repeal section 5 of chapter 86, of public laws of 1856-'57. Read and

passed third time. Yeas 30; Nays 5.

Affirmative—Messrs. Adams, Albright, Battle, Cook, Cowles, Crowell, Currie, Dargan, Edwards, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Lehman, Linney, Love, Mauney, McClammy, Merrimon, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whitesides and Worth—30.

Negative—Messrs. Beasley, Bellamy, Brogden, King and Moore—5.

S. B. 137, a bill to be entitled an act to authorize the commissioners of Guilford county to issue bonds for the purpose of funding and paying off the county debt. Made special order for  $10\frac{1}{2}$  A. M., 25th February.

S. B. 237, a bill to be entitled an act to authorize the county commissioners of Halifax county to levy a special tax. Made special order for Friday night, 3d March.

S. B. 255, a bill to be entitled an act to charter the Catawba Valley Railroad.

Mr. McClammy moved to amend by adding the following: Section 13, this act shall be in force from and after its ratification. The amendment was adopted. The bill was then rejected. Yeas 8; Nays 22.

Affirmative—Messrs. Adams, Battle, Crowell, Currie, Graham of Alamance, Graham of Orange, Jones and Troy—8.

Negative-Messrs. Albright, Beasley, Bellamy, Brogden,

Cook, Cowles, Dargan, Edwards, Gilmer, King, Latham, Linney, Love, Mauney, McClammy, Murphy, Robbins of Davidson, Skinner, Speed, Waddell, Whitesides and Worth —22.

Mr. Graham, of Orange, moved that the Senate do now adjourn.

Upon this motion Mr. Love demanded the yeas and nays. The Senate agreed thereto, and the motion did not prevail. Yeas 5; Nays 27.

Affirmative—Messrs. Beasley, Dargan, Jones, Price and Speed—5.

Negative—Messrs. Adams, Albright, Brogden, Cook, Cowles, Crowell, Currie, Edwards, Gilmer, Graham of Alamance, Graham of Orange, King, Latham, Lehman, Linney, Love, Manney, Merrimon, Moore, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whitesides and Worth—27.

At 8 P. M., S. B. 322, a bill to be entitled an act to incorporate the Bank of Eastern North Carolina, the special order for that hour, was taken up on its third reading.

Mr. Graham, of Orange, moved the following amendments: insert in section 4, after words "agreed on," the words "not exceeding the legal rate." Strike out in same section lines 14 15 and 16. Strike out in section 6, all after word "Bank," to word "by" in line 10. Strike ont in section 7, words "by motion as aforesaid or." The amendments were severally adopted, and the bill passed the third time. Yeas 25; Nays 3.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Cook, Cowles, Crowell, Currie, Dargan, Edwards, Gilmer, Graham of Alamance, Graham of Orange, Jones, King, Latham, Linuey, Love, Manney, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whitesides and Worth—28.

Negative—Messrs. Brogden, Lehman and Moore—3. On motion of Mr. Cowles, the Senate then adjourned.

#### SIXTY-SIXTH DAY.

SENATE CHAMBER, February 23d, 1871.

The Senate met pursuant to adjournment.

Journal of yesterday was read.

The Committee on the Judiciary reported favorably on S. B. 469, a bill to be entitled an act in relation to widow's years support.

S. B. 474, a bill to be entitled an act to amend section 18, chapter 229, of laws of 1869-'70.

S. B. 497, a bill to be entitled an act to punish persons guilty of obtaining money, goods, &c., under false pretences.

S. B. 496, a bill to be entitled an act to repeal chapter 46, of laws of 1868-'69, and chapter 131, cf laws of 1869-'70, and reenacts chapter 9, of the Revised Code, entitled attorneys at law, and unfavorably on S. B. 457, H. R. 196, resolution in relation to claims arising during the period of the war.

The Committee on Finance reported S. B. 471, a bill to be entitled an act for the better protection of the Literary Fund, with amendment.

The Committee on Propositions and Grievances, reported S. R. 463, resolution in favor of James M. Whedbee.

S. B. 470, a bill to be entitled an act to authorize the commissioners of Cabarrus county to levy a special tax, with amendments.

The tollowing bills, &c., were introduced, read and passed first time, and referred, or were otherwise disposed of, as follows:

By Mr. Love, a bill to be entitled an act in relation to copying the laws. Placed on calendar.

By Mr. Olds, joint resolution concerning the survey of certain swamp lands. Laid over under the rules.

By Mr. Currie, resolution in favor of D. J. Clarke, sheriff of Bladen county. Referred to committee on propositions and grievances.

By message from the House of Representatives, H. B. 153, a bill to be entitled an act to establish a new county by the name of Pamlico. Referred to committee on propositions and grievances.

H. B. 283, a bill to be entitled an act to lay off and establish the county of Lee. To committee on propositions and grievances.

Mr. Albright moved to reconsider the vote by which S. B. 255, a bill to be entitled an act to charter the Catawba Valley Railroad on its third reading was rejected last night.

Mr. Cowles moved to postpone the further consideration of the motion until 10 A. M., Tuesday, 28th February, and the motion prevailed.

Mr. Speed moved to reconsider the vote by which S. B. 322, a bill to be entitled an act to incorporate the bank of Eastern North Carolina was passed the third time last night.

Mr. Graham, of Orange, moved to lay that motion on the table. The motion to lay on the table prevailed.

A message was received from the House of Representatives transmitting S. R. 80, resolution to raise a committee of enquiry as to State's interest in Cape Fear River Navigation Company, with amendment thereto adopted by the House, and asking the concurrence of the Senate therein.

The question recurring thereupon the amendment was con-

\*Also, transmitting S. B. 40, a bill to be entitled an act to repeal certain parts of chapter 170, of acts of 1868-'9, with amendment thereto adopted by the House, and asking the concurrence of the Senate therein.

The question recurring thereupon, the amendment was concurred in.

Mr. Edwards moved to take from the calendar S. B. 374, a bill to be entitled an act in relation to the removal of the county seat of Halifax county, and make it special order for 8½ P. M., Monday, 27th February.

Mr. Eppes moved to amend by substituting 8 P. M., Friday,

3rd March. The amendment was adopted, and the motion as amended prevailed.

At 10½ A. M., S. B. 137, a bill to be entitled an act to authorize the commissioners of Guilford county to issue bonds for the purpose of funding and paying off the county debt, special order for that hour, was read third time.

Mr. Gilmer moved following amendments: In section 1 strike out \$40,000 and insert \$30,000. Add to same section following: Provided, however, That the said county commissioners shall fund no claim against the county about which doubts may be entertained relative to their validity on account of their connection with the rebellion. The amendments were severally adopted, and the bill passed the third time. Yeas 22; Nays 9.

Affirmative—Messrs. Adams, Albright, Battle, Beasley, Cook, Cowles, Dargan, Edwards, Fleming, Gilmer, Graham of Alamance, Graham of Orange, King, Lehman, Linney, Love, Moore, Norment, Olds, Speed, Troy and Worth—22.

Negative—Messrs. Allen, Brogden, Crowell, Eppes, Mauney, Merrimon, Robbins of Davidson, Robbins of Rowan and Whitesides—9.

The following bills were then acted upon, as follows:

S. R. 263, resolution in favor of M. L. Wiggins. Read and passed second and third times. Yeas 21; Nays 11.

Affirmative—Messrs. Allen, Battle, Beasley, Cowles, Currie, Dargan, Edwards, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Jones, Latham, Linney, Love, Norment, Skinner, Speed, Troy and Waddell—21.

Negative—Messrs. Adams, Barnett, Bellamy, Brogden, Brown, Cook, Crowell, King, Mauney, Moore and Robbins of Davidson—11.

S. B., a bill to be entitled an act in relation to copying the laws. Read and passed second and third times. Yeas 35; Nays none.

Affirmative—Messrs. Adams, Albright, Allen, Barnett, Battle, Beasley, Brogden, Brown, Cook, Cowles, Crowell, Currie,

Dargan, Edwards, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, King, Lehman, Linney, Love, Mauney, Merrimon, Moore, Norment, Olds, Robbins of Davidson, Speed, Waddell, Whitesides and Worth—35.

Negative-None.

Ordered forthwith to be engrossed and transmitted to the House of Representatives for concurrence.

The Committee on Engrossed Bills, reported as correctly engrossed,

S. R. 380, resolution in favor of Burgess Montgomery;

S. R. 305, joint resolution concerning a canal from the Waccamaw to Little River, S. C.;

S. B. 311, a bill to be entitled an act to incorporate the Tomatla Iron Company;

S. B. 452, a bill to be entitled an act to incorporate the Petersburg, Clarksville, Roxboro', Yanceyville and Greensboro' Railroad Company;

S. B. 141, a bill to be entitled an act to incorporate the Yanceyville, Danville and Coal Field Railroad;

S. B. 275, a bill to be entitled an act to incorporate the town of Wilkesborough, in the county of Wilkes;

S. B. 499, a bill to be entitled an act in relation to copying the laws, which were transmitted to the House of Representatives for concurrence.

The hour of 11 A. M. having arrived, the Senate took a recess to set as a court of impeachment.

The court having adjourned, the Senate was called to order by the Chair.

The Committee on Enrolled Bills, reported as correctly enrolled,

An act to repeal section 5 of chapter 86, of laws of 1856 and '57;

An act to establish the Whiteside Mountain Turnpike, in Macon and Jackson;

An act in relation to the sale of spirituous liquors in the town of Asheville;

An act to incorporate the Roanoke and Tar River Railroad Company;

An act to provide for the levying of a special tax in the county of Bertie;

An act supplemental to an act in relation to the fowling interests in the waters of Currituck sound, ratified 23d December, 1870;

An act to authorize the commissioners of Yancey county to levy a special tax;

An act concerning debts contracted by municipal corporations;

Resolution in favor of F. F. Jones, sheriff of Tyrrell county which were ratified and transmitted to the office of the Secretary of State.

On motion of Mr. Graham, of Orange, the Senate then ad journed.

#### SIXTY-SEVENTH DAY.

SENATE CHAMBER, February 27th, 1870.

The Senate met pursuant to adjournment.

Journal of yesterday was read.

Mr. Troy presented a counter memorial concerning the Cap Fear Navigation Company.

On motion of Mr. Olds, S. R., joint resolution concerning the survey of certain Swamp Lands, was taken from the calendar and referred to the committee on education and literary board.

The Committee on Claims reported favorably on S. R. 325 resolution in favor of James H. Ennis;

S. R. 432, resolution in favor Mrs. Jane Hinton.

The Committee on Propositions and Grievances reported favorably on

H. R. 107, S. R. 455, resolution instructing Keeper of the Capitol to examine roof of Capitol, &c;

S. B. 461, a bill to be entitled an act to prevent the obstruction of Newport river in Carteret county;

H. B. 317, S. B. 454, a bill to be entitled an act to prevent the felling of trees in the Yadkin river;

H. B. 84, S. B. 483, a bill to be entitled an act for the relief of James M. Young, sheriff of Buncombe county, with accompanying amendment;

And unfavorably upon H. B. 351, S. B. 487, a bill to be entitled an act to authorize R. B. Webster and Robert Lewis to collect arrears of taxes.

The Committee on Judiciary reported S. B. 472, a bill to be entitled an act to amend section 213, Code of Civil Procedure, with amendment.

Unfavorably upon S. B. 393, a bill to be entitled an act to transfer Northampton county from the sixth to the first Judicial District, and asked to be discharged from the turther consideration of H. B. 449, S. B. 488, a bill to be entitled an act to suppress secret political associations.

The following bills, &c., were then introduced, read and passed the first time, and referred, or were otherwise disposed of, as follows;

By Mr. Mauney, a bill to be entitled an act to allow the passage of fish up the Pedee, Yadkin and Wharrie rivers. Placed on calendar.

By Mr. Linney, resolution in favor of Patrick McGowan. Lies over under the rules.

By Mr. Robbins, of Rowan, resolution in favor of Edward F. Underhill. Placed on calendar.

By message from House of Representatives,

H. B. 145, a bill to be entitled an act to amend the charters of the city of Newbern and Newbern Academy. To committee on corporations.

H. B. 469, a bill to be entitled an act in relation to fishing in the waters of Pamlico and Tar rivers and Tranters creek. To committee on propositions and grievances.

H. B. 391, a bill to be entitled an act making an appropriation for the Deaf, Dumb and Blind Asylum. To committee on deaf, dumb and blind asylum.

By Mr. Fleming, resolution of enquiry from the State Printer. Adopted.

The Committee on Engrossed Bills reported as correctly engrossed,

S. B. 290, a bill to be entitled an act to incorporate the Perquimans Savings Bank, in the town of Hertford, N. C.;

S. R. 433, resolution in favor of Jefferson Hinton;

S. B. 482, a bill to be entitled an act in relation to the duties of the Keeper of the Capital;

Which were transmitted to the House of Representatives for concurrence.

A message was received from the House of Representatives transmitting S. B. 41, a bill to be entitled an act to repeal certain sections and amend others in chapter 270, laws of 1868-'69, with amendments thereto, adopted by the House, and asking the concurrence of the Senate therein. The question recurring upon the adoption of the amendments, the Senate concurred therein.

The Committee on Enrolled Bills reported as correctly enrolled,

An act to incorporate Clay Lodge, No. 301, Ancient York Masons;

An act to punish officers and agents of Railroad Companies, and other persons, for embezzlement and other offences;

An act to amend an act entitled an act to incorporate the Wilmington Steam Fire Engine Company;

An act to incorporate the town of Waynesville, in the county of Haywood;

An act in relation to taking fish from the Northeast Branch of Cape Fear, and for other purposes.

An act to amend section 3, of chapter 177, of private laws of 1869-'70;

Which were ratified and transmitted to the Secretary of State.

The following bills were acted upon, as follows:

S. B. 447, a bill to be entitled an act to amend section 18, chapter 229, of laws of 1869-'70. Read and passed second and third times. Yeas 37; Nays none.

Affirmative—Messrs. Adams, Allen, Barnett, Battle, Beasley, Bellamy, Brogden, Cook, Cowles, Council, Currie, Dargan, Edwards, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Hawkins, Jones, Latham, Lehman, Linney, Mauney, Merrimon, Moore, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell and Whitesides—37.

Negative-None.

S. B. 496, a bill to be entitled an act to repeal chapter 46, of laws of 1868-'69, and chapter 131, of laws of 1869-'70, and reenacts chapter 9, of the Revised Code, entitled attorney's at law. Read and passed second and third times. Yeas 26; Nays 5.

Affirmative—Messrs. Adams, Albright, Allen, Barnett, Cook, Cowles, Dargan, Edwards, Fleming, Gilmer, Graham of Alamance, Jones, Lehman, Linney, Love, Mauney, Merrimon, Moore, Norment, Robbins of Davidson, Skinner, Speed, Troy, Waddell, Whitesides and Worth—26.

Negative—Messrs. Beasley, Bellamy, Brogden, Eppes, and Latham—5.

S. B. 442, a bill to be entitled an act to amend the charter of the town of Warrenton.

The amendment offered by the committee on corporations was adopted. Read and passed as amended, second and third times. Yeas 29; Nays 6.

Affirmative—Messrs. Adams, Albright, Allen, Barnett, Battle, Cowles, Crowell, Currie, Dargan, Edwards, Fleming, Gilmer, Hawkins, Latham, Lehman, Linney, Love, Mauney, Mer-

rimon, Moore, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whitesides and Worth—29.

Negative—Messrs. Beasley, Bellamy, Brogden, Eppes, Graham of Alamance and Norment—6.

S. R. 503, resolution in favor of Edward F. Underhill. Read and passed second and third times. Yeas 33; Nays 2.

Affirmative—Messrs. Adams, Albright, Allen, Barnett, Beasley, Bellamy, Brogden, Cook, Cowles, Crowell, Currie, Dargan, Edwards, Fleming, Gilmer, Graham of Alamance, Hawkins, Latham, Lehman, Love, Mauney, Merrimon, Moore, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Whitesides and Worth—33.

Negative—Messrs. Linney and Waddell—2.

The hour of eleven A. M. having arrived, the Senate took a recess to sit as a court of impeachment.

The court having adjourned, the Senate was called to order by the Chair.

It was moved that when the Senate adjourns, it will adjourn until to-morrow morning ten o'clock.

The motion prevailed.

A communication in behalf of the State Printer was read in response to resolution of enquiry.

Pending the consideration whereof, the Senate adjourned

#### SIXTY-EIGHTH DAY.

SENATE CHAMBER, February 28, 1871.

Da

The Senate met pursuant to adjournment.

Journal of yesterday was read.

Leave of absence was granted to Mr. Speed for two days in chiding to-day, and to Mr. Albright from Wednesday mornin to Monday morning.

The Committee on Engrossed Bills reported as correct

engrossed S. B. 15, a bill to be entitled an act for the appointment of inspector and weigher of flour and cotton in the city of Raleigh, which was transmitted to the House of Representatives for concurrence.

The Committee on Judiciary reported petition of certain Cherokee Indians, and asked to be discharged from the further consideration of the same.

The committee was discharged.

Mr. Fleming introduced a bill to be entitled an act to incorporate the Marion High School, in McDowell county, which was read and passed first time, and referred to committee on corporations.

Mr. Fleming introduced a resolution in relation to the stene-grapher, which was read.

Pending the consideration thereof, the hour of  $10\frac{1}{2}$  A. M. arrived and the consideration of the motion to reconsider the vote by which S. B. 255, a bill to be entitled an act to charter the Catawba Valley Railroad, was rejected on its third reading, it being the special order for that hour, was resumed.

On motion of Mr. Gilmer, the further consideration of the motion was made special order for  $10\frac{1}{2}$  A. M. Friday, the third of March.

On motion of Mr. Cowles, the rules were suspended, and S. B. 471 was put upon its several readings.

The amendment offered by the Committee on Finance was adopted.

Mr. Gilmer moved to amend by inserting after word "whatever" the following: Except by the direction of the Legislature. The amendment prevailed.

Mr. Price moved to make the bill the special order for 10½ A. M. on Monday. The motion did not prevail, and the bill as amended passed the second and third times. Yeas 32; Nays 1.

Affirmative—Messrs. Adams, Albright, Allen, Barnett, Battle, Beasley, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Fleming, Gilmer, Graham of Alamance,

Graham of Orange, Hawkins. Jones, Latham, Linney, Love, Mauney, Merrimon, Moore, Norment, Skinner, Troy, Waddell, Whitesides and Worth—32.

Negative-Mr. Price-1.

On motion of Mr. Love, the rules were suspended and S. B. 357, H. B. 230, a bill to be entitled an act to extend the time of J. M. Roane, sheriff of Macon county, for making settlement with the county commissioners, was considered and passed second and third times. Yeas 32; Nays 4.

Affirmative—Messrs. Adams, Albright, Barnett, Battle, Beasley, Bellamy, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Hawkins, Latham, Linney, Love, Mauney, Merrimon, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Worth—32.

Negative—Messrs. Allen, Graham of Orange, Murphy and Whitesides—4.

The hour of 11 A. M. having arrived, the Senate took a recess to sit as a court of impeachment.

The court having adjourned, the Senate was called to order by the Chair.

Leave of absence was granted to Mr. Cook from to-morrow morning until Wednesday next.

The chair announced as Senate branch of Joint Select Committee to make investigation in relation to sale of the State's stock in the Cape Fear Navigation Company, Messrs. Graham, of Orange, and Gilmer.

Mr. Robbins, of Davidson, reported as correctly enrolled, An act to amend the charter of the city of Charlotte;

An act to repeal certain parts of chapter 170, acts of 1868-'69, which were ratified and transmitted to the Secretary of State.

The Senate then adjourned.

to be entitled an act authorizing the commissioners of Chatham county to issue bands to liquidate outstanding debts. Placed on calendar.

#### SIXTY-NINTH DAY.

# SENATE CHAMBER, March 1st, 1871.

The Senate met pursuant to adjournment.

Journal of yesterday was read.

The Committee on Engrossed Bills reported as correctly engrossed, S. B. 137, a bill to be entitled an act to authorize the commissioners of Guilford county to issue bonds for the purpose of funding and paying off the county debt;

S. R. 263, resolution in favor of M. L. Wiggins, which was transmitted to the House of Representatives for concurrence.

Mr. Norment, from the Committee on Public Grounds and Buildings, submitted a report in relation to repairs on the Capitol Building, which was read.

The Committee on Propositions and Grievances reported favorably on S. R. 411, resolution in favor of W. J. A. Strange, of Cherokee.

S. B. 494, a bill to be entitled an act in relation to salaries of certain officers, with amendments;

S. B. 501, H. B. 283, a bill to be entitled an act to lay off and establish the county of Lee, with amendment,

The following bills, &c., were then introduced, read and passed first time and referred, or were otherwise disposed of, as follows:

By Mr. Albright, a bill to be entitled an act to incorporate the Fairmount Company, in the county of Chatham, Referred to committee on corporations,

By Mr. Edwards, a bill to be entitled an act to repeal chapter 77, laws of 1869-'70. Referred to committee on judiciary.

By message from House of Representatives, H. B. 320, a bill to be entitled an act authorizing the commissioners of Chatham county to issue bonds to liquidate outstanding debts. Placed on calendar,

By Mr. Graham, of Orange, a bill to be entitled an act to prevent the forging and counterfeiting the private marks, tokens, stamps and labels of any mechanic, manufacturer, or other person. Referred to committee on judiciary.

Under a suspension of the rules, the following bills and

resolutions were acted on, as follows:

S. R. 377, resolution in favor of Erasmus D. Haynes. Read and passed second and third times. Yeas 31; Nays 1.

Affirmative—Messrs. Adams, Albright, Allen, Barnett, Battle, Brogden, Cowles, Currie, Dargan, Edwards, Eppes, Flythe, Gilmer, Graham of Alamance, Hawkins, Latham, Ledbetter, Lehman, Linney, Love, Mauney, Merrimon, Moore, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Whitesides and Worth—31.

Negative-Mr. Waddell-1.

Ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

S. B. 292, a bill to be entitled an act to consolidate the North Carolina Railroad Company and the Western North Carolina Railroad Company, and for other purposes. Read and passed the second time, and made special order for 10½ A. M., Saturday, 4th March.

H. B. 255, S. B. 414, a bill to be entitled an act to allow ex-sheriff of Hertford county to collect the arrears of taxes. Read second time and laid on the table.

S. B. 434, a bill to be entitled an act to authorize the commissioners of Anson county to levy a special tax, &c. Read second time and passed. Yeas 28; Nays 3.

Affirmative—Messrs. Adams, Barnett, Battle, Brogden, Brown, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Fleming, Flythe, Graham of Alamance, Hawkins, Latham, Ledbetter, Linney, Love, Mauney, Merrimon, Moore, Morehead, Murphy, Robbins of Davidson, Troy, Waddell and Worth—28.

Negative-Messrs. Bellamy, Norment and Whitesides-3.

S. B. 469, a bill to be entitled an act in relation to widows' years support. Read the second time.

The bill was then read the third time.

Mr. Gilmer moved to amend by inserting an additional section 3. The amendment prevailed.

Mr. Whitesides moved to strike out sections 1 and 3. The motion did not prevail, and

On motion of Mr. Linney, the bill was recommitted to the committee on the judiciary.

S. B. 494, a bill to be entitled an act in relation to salaries of certain officers. Made special order for 8 A. M., Monday, 6th of March.

A message was received from the House of Representatives, transmitting engrossed copy of amendments adopted by the House to S. B. 25, H. B. 394, a bill to be entitled an act to change the line between the counties of Edgecombe and Nash, and asking the concurrence of the Senate.

The question recurring upon the concurrence of the amendments, the further consideration thereof was made the special order for  $7\frac{1}{2}$  P. M., for this day.

The Senate then adjourned.

# SENATE CHAMBER, 7 P. M., March 1st, 1871.

The Senate met pursuant to adjournment.

The calendar of bills on third reading was taken up, and the following bills acted on as follows:

S. B. 298, a bill to be entitled an act to authorize the commissioners of Duplin county to levy a special tax. Laid on table.

S. B. 306, a bill to be entitled an act in relation to the corporate limits of Thomasville. The bill was read third time, and the question recurring upon its passage, the clerk reported that only sixteen Senators had voted thereon.

On motion of Mr. Graham, of Orange, a call of the Senate

was ordered. The clerk proceeded to call the roll and the following Senators answered to their names, to wit:

Messrs. Battle, Beasley, Brogden, Dargan, Flythe, Graham of Orange, Jones, Latham, Lehman, Love, Merrimon, Moore, Murphy, Skinner, Troy, and Worth.

The Doorkeeper was ordered to notify absentees to appear before the Senate.

Mr. Love stated that Mr. Crowell was absent on account of sickness.

Mr. Beasley moved that the doors be closed. The motion prevailed.

It was then further moved that when Senators presented themselves at the door of the Senate chamber, they should be announced by name to the Senate by the Doorkeeper and required to present themselves before the bar of the Senate and offer their excuses for absence.

A number of Senators having appeared, the Clerk was directed to call the roll a second time. Thereupon the following gentlemen answered to their names

Messrs. Adams, Battle, Beasley, Brogden, Council, Cowles, Currie, Dargan, Eppes, Fleming, Flythe, Graham of Orange, Jones, Latham, Lehman, Linney, Love, Mauney, McCotter, Merrimon, Moore, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whitesides and Worth—29.

There being a quorum present, further proceedings under the call of the Senate were, on motion of Mr. Graham, of Orange, dispensed with.

The hour of 7½ P. M. having arrived, S. B. 88, an act to transfer one million dollars of State stock in N. C. R. R. Company to the Atlantic & N. C. R. R. Company, &c., special order of that hour, was read and passed second time, and on its third reading made special order for 7 P. M. Monday, 6th March.

The Committee on Judiciary reported favorably

conte in evening session was c

On motion of Mr. Troy, the Senate adjourned, and all

# SEVENTIETH DAY.

# SENATE CHAMBER, March 2d, 1871.

The Senate met pursuant to adjournment.

Journal of yesterday was read.

Mr. McClammy presented a memorial of certain citizens in relation to the sale of State's stock in the Cape Fear Navigation Company, which was referred to the joint select committee appointed to investigate the said sale.

Leave of absence was granted to Mr. Allen and Mr. Linney from Friday morning until Tuesday morning.

The Committee on Engrossed Bills reported as correctly engrossed,

- S. B. 322, a bill to be entitled an act to incorporate the Bank of Eastern North Carolina;
- S. B. 442, a bill to be entitled an act to amend charter of the town of Warrenton;
- S. B. 471, a bill to be entitled an act for the better protection of the Literary Fund;
- S. B. 474, a bill to be entitled an act to amend section 18, chapter 229, of laws 1869-'70;
- S. B. 496, a bill to be entitled an act to repeal chapter 46, of laws of 1868-'69, and chapter 131, of laws of 1869-'70, and to re-enact chapter 9, of Revised Code, entitled attorneys at law;
  - S. R. 503, resolution in favor of Edward F. Underhill;

Which were transmitted to the House of Representatives for concurrence

Mr. Fleming moved to amend the first rule of order of the Senate so as to require the Clerk to call the roll and ascertain the number of Senators present at each meeting of the Senate.

The motion was laid on the table.

On motion of Mr. Gilmer, the hour for the meeting of the senate in evening session was changed to 71 P. M.

The Committee on Judiciary reported favorably on

- S. B. 511, a bill to be entitled an act to repeal chapter 77, laws of 1869-'70;
- S. B. 512, a bill to be entitled an act to prevent the forging and counterfeiting the private marks, tokens, stamps and labels of any mechanic, manufacturer or other person.
- S. B. 441, a bill to be entitled an act to amend sections 269, 270 of the Code of Civil Procedure, with amendment.

The Committee on Corporations reported favorably on

- S. B. 486, H. B. 233, a bill to be entitled an act to legalize and make valid an election held in the town of Henderson-ville, in the county of Henderson, for municipal officers of said town;
- S. B. 489, H. B. 458, a bill to be entitled an act to amend an act to incorporate the Warm Springs Colony, in Madison county;
- S. B. 508, H. B. 145, a bill to be entitled an act to amend the charters of city of Newbern and Newbern Academy;
- S. B. 509, a bill to be entitled an act to incorporate the Marion High School, in McDowell county;
- S. B. 513, a bill to be entitled an act to incorporate the Fairmount Foundry Company, in the county of Chatham;
- S. B. 495, a bill to be entitled an act to incorporate the Cape Fear River and Yadkin Railroad, with accompanying amendment.

The Committee on Enrolled Bills reported as correctly enrolled,

An act to repeal certain sections and parts of sections, and to amend others in chapter 270, laws of 1868-'69;

An act to incorporate the Fayetteville Independent Bucket Company;

An act in regard to Roderick McMillan, sheriff of Robeson county;

An act to prevent the sale of spirituous liquors within two miles of Antioch church, in Robeson county;

An act to cure certain irregular proceedings in the juris distion of the courts in special proceedings;

an act to encourage immigration into North Carolina and necesse the capital of the State;

An act to extend the time of J. M. Roane, sheriff of Macon nty, for making settlement with the county Treasurer; Resolution in favor of Alexander M. Turner;

Resolution to inquire into the sale of the State's stock of Cape Fear Navigation Company, and other matters conted therewith, which were duly ratified and transmitted to Secretary of State.

Inder a suspension of the rules the following bills were don, as follows:

. B. 330, a bill to be entitled an act to authorize the comsioners of Rockingham county to issue bonds to levy a bial tax to fund and pay off the county debts.

in its third reading, Mr. Morehead moved to amend by ring an additional section. The amendment prevailed, the bill as amended passed the third time. Yeas 30; is 2.

Iffirmative—Messrs. Adams, Barnett, Battle, Beasley, gden, Council, Cowles, Currie, Dargan, Edwards, Fleming, the, Graham of Orange, Jones, Latham, Ledbetter, Leh, Linney, Love, Mauney, McClammy, McCotter, Merri, Moore, Morehead, Murphy, Skinner, Speed, Troy and rth—30.

Wegative—Messrs. Norment and Robbins of Davidson—2.
B. 510, H. B. 320, a bill to be entitled an act authorizing commissioners of Chatham county to issue bonds to liquioutstanding debts. Read and passed second time. Yeas Nays 8.

ffirmative—Messrs. Adams, Barnett, Battle, Council, Veles, Crowell, Currie, Dargan, Edwards, Gilmer, Graham of nge, Jones, Latham, Ledbetter, Linney, Mauney, Memny, Merrimon, Moore, Morehead, Murphy, Robbins of van, Troy, Waddell and Worth—25.

Vegative—Messrs. Beasley, Bellamy, Brogden, McCotter, ment, Robbins of Davidson, Speed and Whitesides—8.

The following bills were introduced, read and passed f time and referred, as follows:

By Mr. Barnett, a bill to be entitled an act to liquidate public debt of the State. Referred to committee on finan

By Mr. Whitesides, a bill to be entitled an act to exer persons from being compelled to serve as overseers on pul roads. Reterred to committee on propositions and grievan

By Mr. Troy, a bill to be entitled an act to prevent the of spirituous liquors within two miles of Blockersville Acader in the county of Cumberland. Referred to committee on positions and grievances.

By Mr. McClammy, a bill to be entitled an act to incorpor the Cape Fear Guano Company. Referred to committee

corporations.

By Mr. Edwards, a bill to be entitled an act to incorpor the Warrenton and Macon Turnpike Company. Referred committee on internal improvements.

Mr. Love moved that when the Senate adjourns it will journ until  $7\frac{1}{2}$  P. M., this day. The motion did not prevail

Mr. Price moved that when the Senate adjourns it will journ to 10½ A. M. to-morrow. The motion did not prevail

The hour of 11 A. M. having arrived, the Senate took a cess to sit as a court of impeachment.

The court having adjourned, the Senate was called to or by the Chair.

Mr. Jones introduced a resolution providing a special Cl for the Secretary of State, which was read and laid over un the rules.

On motion of Mr. Moore, the Senate adjourned.

The value of the gar believe edition of the hide and St. H. H. M.

#### SEVENTY-FIRST DAY.

## SENATE CHAMBER, March 3rd, 1871.

The Senate met pursuant to adjournment.

Journal of yesterday was read.

Leave of absence was granted to Mr. Gilmer from Monday rning; to Mr. Adams from Monday until Wednesday; Mr. Norment from Monday until Thursday, and to Mr. wles for two days

The Committee on the Deaf, Dumb and Blind Asylum orted favorably on S. B. 506, H. B. 391, a bill to be entitled act making an appropriation for the Deaf, Dumb and Blind Jum.

with amendment, and favorably on S. B. 490, H. B. 119, all to be entitled an act relating to roads, bridges, fences and creeks, with amendment, and favorably on S. B. 490, H. B. 119, all to be entitled an act to abolish the special court of the of Wilmington.

The Committee on Internal Improvements reported favoraon S. B. 136, a bill to be entitled an act to amend chapter , of the public laws of 1869-'70;

B. 378, a bill to be entitled an act for the promotion of nigration and the settlement of the unimproved lands of State;

B. 387, H. B. 267, a bill to be entitled an act to amend charter of the Cheoali Turnpike Company Road;

. B. 406, a bill to be entitled an act for the better protection fe and property on railroads;

. B. 423, H. B. 331, a bill to be entitled an act to amend oter 66, of public laws of 1869-'70, to construct a road ough the counties of Ashe and Alleghany;

. B. 453, a bill to be entitled an act authorizing the Dismal mp Canal Company to issue 8 per cent bonds;

B. 424, H. B. 333, a bill to be entitled an act to lay out

and construct a public road from the town of Sparta, in A ghany county, to the Virginia line;

S. B. 440, H. B. 276, a bill to be entitled an act to lay and construct a road through the county of Ashe;

S. B. 479, a bill to be entitled an act to amend the charter the Planter's Railroad Company, &c.;

S. B. 478, a bill to be entitled an act in relation to r steamers;

And unfavorably on

S. B. 232, a bill to be entitled an act to repeal chapter 16 the public laws of North Carolina, ratified the 26th day March, 1870;

Resolution in favor of contractors on Western Divis Western North Carolina Railroad Company.

The following bills were then acted upon, as follows:

S. B. 488, H. B. 449, a bill to be entitled an act to supple secret political associations. Made special order for  $7\frac{1}{2}$  P. 13th March.

S. B. 299, a bill to be entitled an act to authorize the excha of certain bonds issued during the war for internal impresent purposes for new bonds Made special order for 7½ M., 8th March.

S. B. 321, H. B. 319, a bill to be entitled an act to incorate Statesville Seminary. Read and passed second and the times. Yeas 39; Nays none.

Affirmative—Messrs. Adams, Barnett, Battle, Beasley, lamy, Brogden, Brown, Council, Crowell, Currie, Darg Edwards, Eppes, Fleming, Gilmer, Graham of Alamance, ham of Orange, Hawkins, Hyman, Jones, King, Latham, I better, Lehman, Love, Mauney, McClammy, McCotter, Mc mon, Morehead, Murphy, Olds, Robbins of Davidson, Robl of Rowan, Skinner, Troy, Waddell, Whitesides and Worth—

Negative-None.

S. R. 432, resolution in favor of Mrs. Jane Hinton. R and passed second and third times. Yeas 35; Nays none.

Affirmative—Messrs. Battle, Beasley, Council, Currie, I

gan, Edwards, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, King, Latham, Ledbetter, Lehman, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whitesides and Worth—35.

Negative-None.

S. R. 449, resolution in favor of W. W. and D. M. Watts. Read and passed second and third times. Yeas 38; Nays 1.

Affirmative—Messrs. Adams, Battle, Beasley, Brogden, Brown, Council, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, King, Latham, Ledbetter, Lehman, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whitesides and Worth—38.

Negative-Mr. Norment-1.

The following bills were introduced, read and passed first time and referred, or otherwise disposed of, as follows:

By Mr. Norment, a bill to be entitled an act to regulate tax. Referred to committee on propositions and grievances. appeals from the Superior to the Supreme Court in capital case. Referred to committee on judiciary.

By Mr. Troy, a bill to be entitled an act to incorporate the Pungo River Swamp Land Company. Referred to committee on claims.

By message from House of Representatives, S. B. 532, H. B. 433, a bill to be entitled an act to incorporate Elmwood Lodge, of Ancient Free and Accepted Masons. Referred to be committee on corporations.

S. B. 539, H. B. 479, a bill to be entitled an ac to incorporate the South River Draining Company. Referred to committee on corporations.

S. B. 540, H. B. 103, a bill to be entitled an act to change the time for settling public taxes. Referred to committee on corporations.

- S. B. 538, H. B. 422, a bill to be entitled an act to authorize C. Austin, late sheriff of Union county, to collect arrears of taxes. Referred to committee on propositions and grievances.
- S. R. 537, H. B. 114, resolution amendatory of section 2, of a "resolution in reference to disabled soldiers." Referred to committee on propositions and grievances.
- S. R. 536, H. R. 109, resolution in favor of B. W. Pesten, of Haywood county. Referred to committee on claims.
- S. B. 535, H. B. 326, a bill to be entitled an act to provide for the election of a tax collector for Gaston county. Referred to committee on propositions and grievances.
- S. R. 534, H. R. 239, resolution in favor of A. S. Hill, sheriff of Cherokee county. Referred to committee on propositions and grievances.
- S. R. 533, H. R. 110, resolution in favor of John Crisp, of Macon county. Referred to committee on propositions and grievances.
- S. B. 531, H. B. 454, a bill to be entitled an act to incorporate the Cabarrus Rocky River Bridge Company. Referred to committee on corporations.
- S. R. 541, H. R. 118, a resolution to raise a committee to examine into the accounts of the Public Treasurer. To committee on claims.
- S. B. 542, H. B. 493, a bill to be entitled an act to authorize John S. Wood, sheriff of Pasquotank county, to collect arrears of taxes.
- S. B. 539, H. B. 480, a bill to be entitled an act to protect the interests of the State at sales under execution. To committee on judiciary.
- S. B. 529, H. B. 369, a bill to be entitled an act in favor of J. Kline, sheriff of Catawba county. To committee on propositions and grievances.
- S. B. 528, H. B. 487, a bill to be entitled an act to incorporate the Peabody Educational Association in Carteret county. To committee on corporations.
  - S. B. 527, H. B. 404, a bill to be entitled an act to incorpo-

rate the Nevassa Guano Company of Wilmington. To committee on corporations.

S. B. 526, H. B. 410, a bill to be entitled an act to incorporate the Co-operative Savings and Loan Association. To committee on corporations.

S. B. 525, H. B. 503, a bill to be entitled an act to prevent the sale of spirituous liquors within one mile of Port Hembrie Academy, in Clay county. To committee on propositions and grievances.

S. B. 524, H. B. 399, a bill to be entitled an act in relation to process when the sheriff is a party. To committee on judiciary.

S. B. 523, H. B. 408, a bill to be entitled an act to incorporate the trustees of Little River Academy, in Cumberland county. To committee on corporations.

S. B. 522, H. B. 141, a bill to be entitled an act to provide another mode of taking depositions to be used by the several courts of the State. To committee on judiciary.

S. B. 521, H. B. 512, a bill to be entitled an act to prevent the sale of spirituous liquors near Montpelier Church, in Robeson county, and Hallsville, in Duplin. To committee on propositions and grievances.

S. B. 529, H. B. 262, a bill to be entitled an act to allow the county commissioners of Currituck to levy a special tax. Placed on the calendar.

The hour of 11 A. M. having arrived, the Senate took a recess to sit as a court of impeachment.

The court having adjourned, the Senate was called to order by the Chair.

A message was received from the House of Representatives transmitting H. R. 240, resolution appropriating funds to pay witnesses in the impeachment trial of Governor Holden, which, under a suspension of the rules, was read and passed three several times. Yeas 20; Nays 12.

Affirmative—Messrs. Barnett, Battle, Beasley, Bellamy, Brogden, Brown, Council, Currie, Eppes, Gilmer, Graham of

Alamance, Hyman, Ledbetter, Love, Merrimon, Morehead, Murphy, Price, Whitesides and Worth—20.

Negative—Messrs. Adams, Crowell, Edwards, Fleming, King, Latham, Mauney, Norment, Robbins of Davidson, Robbins of Rowan, Skinner and Waddell—12.

The Senate then adjourned until 7½ P. M.

## SENATE CHAMBER, 7½ P. M., March 3d, 1871.

The Senate met pursuant to adjournment.

The special order for the hour to wit: S. B. 460, H. B. 395, a bill to be entitled an act to incorporate the Pennsylvania and North Carolina Land and Lumber Company, was considered on its second reading.

Mr McClammy moved to amend the bill by adding to section 11, the following proviso:

Provided, That Livingston creek is not diverted from its natural channel north of the point where it is crossed by the Wilmington, Columbia and Augusta Railroad.

The amendment prevailed, and the bill as amended passed the second reading.

The bill was then read the third time and passed. Yeas 37; Nays 4.

Affirmative—Messrs. Adams, Barnett, Battle, Beasley, Bellamy, Brogden, Brown, Council, Crowell, Currie, Dargan, Edwards, Eppes, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Latham, Ledbetter, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Norment, Olds, Price, Skinner, Troy, Waddell and Worth—37.

Negative—Messrs. Robbins of Davidson, Robbins of Rowan, Speed and Whitesides—4.

Mr. Robbins, of Davidson, introduced a resolution in relation to leave of absence to Senators, which was read, and pending the consideration thereof, the hour of 8 P. M. having arrived, and the special order for that hour S. B. 89, a bill to be entitled an act to allow railroad and other corporations to purchase the stock of the State in such corporations, by returning to the Treasurer the bonds with which such stock was obtained, and for other purposes, was taken up.

After discussion the bill was made special order for 7½ P. M., Friday, 10th March.

Mr. Robbins, of Davidson, reported as correctly enrolled an act to incorporate the town of Lincolnton;

An act to repeal chapter 76, of private laws of 1869-'70;

An act concerning elections in this State, which were ratified and transmitted to the office of the Secretary of State.

On motion of Mr. King, the Senate adjourned.

### SEVENTY-SECOND DAY.

SENATE CHAMBER, March 4th, 1871.

The Senate met pursuant to adjournment.

Journal of yesterday was read.

The Committee on Engrossed Bills reported as correctly enrolled,

S. B. 330, a bill to be entitled an act to authorize the commissioners of Rockingham county to issue bonds to levy a special tax to fund and pay off the county debts;

S. R. 377, resolution in favor of Erasmus D. Haynes, which were transmitted to the House of Representatives for concurrence.

The Committee on Propositions and Grievances, reported favorably on

S. B. 485, H. B. 223, a bill to be entitled an act to repeal an

act concerning the preservation of health of Beaufort harbor;

S. B. 500, H. B. 153, a bill to be entitled an act to establish a new county by the name of Pamlico,

And unfavorably upon

S. B. 507, H. B. 469, a bill to be entitled an act in relation to fishing in the waters of Pamlico and Tar rivers and of Tranters creek.

On motion of Mr. Gilmer, the vote by which S. R. 545, H. R. 240, was passed the third time on yesterday, was reconsidered and the resolution laid on the table.

The Committee on Enrolled Bills reported as correctly enrolled,

An act to amend an act entitled an act for the better government and regulation of the town of Hertford, in Perquimans county;

An act to amend section 21 of an ordinance of the Convention of 1865-'66, entitled an ordinance respecting eq4 jurisdic tion of the courts of the State, ratified June 23d, 1866, amended and ratified by the Convention of 1868, March 14, 1868;

An act in relation to copying the laws for the public printer; An act to revise and amend an act entitled an act to incorporate the Bladen Manufacturing Company, ratified 26th January, A. D. 1867;

An act to incorporate the town of Wilkesboro';

An act to charter the Citizens Bank;

An act to repeal an act authorizing the commissioners of Jones county to levy a special tax, and also an act to allow the county commissioners of Jones county to levy a special tax;

An act to incorporate the Perquimans Savings Bank, which were ratified and transmitted to the Secretary of State.

Bills were then acted on as follows:

S. B. 510, H. B. 320, a bill to be entitled an act authorizing the commissioners of Chatham county to issue bonds to liquidate outstanding debts. Read and passed third time. Yeas 31; Nays 3.

Affirmative—Messrs. Adams, Barnett, Battle, Beasley, Brown, Council, Currie, Dargan, Edwards, Eppes, Flythe, Gilmer, Graham of Alamance, Hyman, King, Latham, Ledbetter, Love, Mauney, McClammy, McCotter, Morehead, Murphy, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Whitesides and Worth—31.

Negative-Messrs. Bellamy, Merrimon and Norment-3.

S. B. 292, a bill to be entitled an act to consolidate the North Carolina Railroad Company and the Western North Carolina Railroad Company, and for other purposes.

The bill was read the third time.

Mr. Robbins, of Rowan, moved to lay it on the table.

Upon this motion, Mr. Merrimon demanded the yeas and nays. The Senate agreed thereto, and the motion did not prevail. Yeas 11; Nays 25.

Affirmative—Messrs. Brown, Council, Eppes, King, Latham, Lehman, Moore, Olds, Robbins of Rowan, Skinner and Speed—11.

Negative—Messrs. Barnett, Beasley, Bellamy, Brogden, Currie, Dargan, Edwards, Fleming, Flythe, Gilmer, Graham of Alamance, Hyman, Ledbetter, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Troy, Whitesides and Worth—25.

The hour of 11 A. M. having arrived, the Senate took a recess to sit as a court of impeachment.

The court having adjourned, the Senate was called to order by the Chair.

On motion, the Senate then adjourned until 10 o'clock Monday morning.

near gration, and the settlement of the universed tauls as the Sute, was can'to special order for 7‡ P. M., Wednesday

Haliliax county, was put on its second reming. Linter Yes

# SEVENTY-THIRD DAY.

SENATE CHAMBER, March 6th, 1871.

The Senate met pursuant to adjournment.

Journal of Saturday was read.

The following bills were introduced, read and passed first time and reterred, or were otherwise disposed of, as follows:

By Mr. Latham, a bill to be entitled an act authorizing the county commissioners of the county of Tyrrell, to levy a special tax. Referred to committee on propositions and grievances.

By Mr. Fleming, a bill to be entitled an act to restore the credit of the State of North Carolina, by reducing the State debt. Referred to committee on finance.

By Mr. Cook, a bill to be entitled an act to amend chapter 201, section 5, of the laws of 1868-'69. Referred to judiciary committee.

By Mr. Latham, a bill to be entitled an act authorizing the county commissioners of the county of Gates to levy and collect a special tax, and approving thereof. Referred to committee on propositions and grievances.

By Mr. Graham, of Alamance, a bill to be entitled an act to protect *bona fide* purchasers at sheriffs' sales for taxes in the year 1869. Referred to judiciary committee.

By Mr. Troy, resolution concerning printing preliminary proceedings in the impeachment trial of Governor Holden. Laid over under rules.

S. B. 378, a bill to be entitled an act for the promotion of immigration, and the settlement of the unimproved lands of the State, was made special order for 7½ P. M., Wednesday, 8th March.

Under a suspension of the rules, S. B. 374, a bill to be entitled an act in relation to the removal of the county seat of Halifax county, was put on its second reading.

Mr. Graham, of Alamance, offered the following amendment:

Provided, That if the citizens of the county shall vote for the removal of said courthouse, the owners of property in the town of Halifax shall be reimbursed for the depreciation of property in said town; and the board of commissioners of said county, shall appoint three assessors to determine the value of said property and its depreciation, and shall immediately, after the report of said committee, levy a tax upon the tax payers of said county, to reimburse said citizens of said town of Halifax for said depreciation. Adopted.

Mr. Price moved the indefinite postponement of the bill.

Mr. Love moved to lay the bill on the table.

Mr. Merrimon called the previous question. The Senate sustained the call, and the question recurring upon its adoption, the amendment prevailed.

The question then recurring upon the passage of the bill the second time, the bill did not pass. Yeas 7; Nays 30.

Affirmative—Messrs. Battle, Beasley, Brown, Currie, Graham of Alamance, Jones and Murphy—7.

Negative—Messrs. Bellamy, Brogden, Cook, Council, Crowell, Dargan, Edwards, Eppes, Fleming, Flythe, Hawkins, Hyman, King, Latham, Ledbetter, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy and Worth—30.

At 11 A. M., the Senate took a recess to sit as a court of impeachment.

The court having adjourned, the Senate was called to order by the Chair.

universition, and the settlement of the unimproved lands of

On motion the Senate adjourned.

the State, was made spaced order for 1g F. M., Wednesday Whit March.
Under a suspension of the rules, S. H. 374, a bill to be entitled an act in relation to the removal of the county seat of Halifax county, was put on its accord reading.

Mr. Grabara, of Alamanov, offered the following amendment.

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SENATE CHAMBER, 71 P. M., March 6th, 1871.

The Senate met pursuant to adjournment.

The Senator from Rowan in the Chair.

On motion of Mr. Warren, the consideration of the special order was postponed for the present, and Mr. Warren presented resolutions concerning the recent action of the Governor, the Chief Justice and certain associate Justices of the Supreme Court, which were read, ordered to be printed and made special order for 7½ P. M., Monday, 13th March.

The Senate then proceded to the consideration of the special order, S. B. 88, a bill to be entitled an act to transfer \$1,000,000 of State stock in North Carolina Railroad Company to Atlantic and North Carolina Railroad Company &c.

Mr. Murphy moved the adoption of the following as an additional section:

Section 3. No discrimination in freight or passenger tariff shall be made against the city of Wilmington or any way station on the Wilmington and Weldon Railroad, but the rates for carrying passengers and on freights destined for Wilmington or from Wilmington, to points on said road, shall be the same per mile over said road, as is or may be charged for freights to or from Morehead city, or Newbern, and the same for carrying passengers or freight destined to or coming from way stations on the Wilmington and Weldon Railroad, shall be the same as those to and from wav stations on said road when consolidated.

The amendment prevailed.

Mr. Morehead called the previous question. The Senate sustained the call, and the bill passed the third time. Yeas 23; Nays 13.

Affirmative-Messrs. Battle, Brogden, Currie, Dargan, Flening, Graham of Alamance, Graham of Orange, King, Ledbetter, Lehman, Mauney, McClammy, McCotter, Moore, Morehead, Murphy, Olds, Price, Robbins of Davidson, Robbins of Rowan, Speed, Troy and Worth—23.

Negative—Messrs. Beasley, Brown, Cook, Council, Crowell, Eppes, Hawkins, Hyman, Jones, Love, Merrimon, Skinner and Whitesides—13.

Mr. Graham, of Orange, moved to reconsider the vote just taken, and to lay that motion on the table.

Upon the latter motion, Mr. Merrimon demanded the yeas and nays. The Senate agreed thereto, and the motion did not prevail. Yeas 15; Nays 18.

Affirmative—Messrs. Brogden, Currie, Dargan, Graham of Orange, King, Lehman, Mauney, McCotter, Moore, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Troy and Worth—15.

Negative—Messrs. Beasley, Bellamy, Brown, Cook, Crowell, Edwards, Eppes, Fleming, Graham of Alamance, Hawkins, Hyman, Jones, Love, McClammy, Merrimon, Price, Skinner and Whitesides—18.

Mr. Graham, of Orange, called the previous question on the motion to reconsider.

Upon this Mr. Merrimon demanded the yeas and nays. The Senate agreed thereto, and the main question was ordered to be now put. Yeas 20; Nays 14.

Affirmative—Messrs. Cook, Council, Crowell, Dargan, Graham of Orange, Jones, King, Lehman, Mauney, McClammy, McCotter, Moore, Morehead, Murphy, Price, Robbins of Davidson, Robbins of Rowan, Speed, Troy and Worth—20.

Negative—Messrs. Battle, Beasley, Bellamy, Brogden, Brown, Edwards, Eppes, Fleming, Hawkins, Hyman, Love, Merrimon, Skinner and Whitesides—14.

Mr. Beasley moved that the Senate do now adjourn. The notion did not prevail.

The question then recurring upon the motion to reconsider he yeas and nays were demanded. The Senate agreed thereto, and the motion to reconsider did not prevail. Yeas 12; Nays 23.

Affirmative-Messrs. Beasley, Bellamy, Cook, Edwards,

Eppes, Fleming, Hawkins, Hyman, Love, Merrimon, Price and Skinner—12.

Negative—Messrs. Battle, Brogden, Brown, Council, Dargan, Graham of Alamance, Graham of Orange, Jones, King, Ledbetter, Lehman, Mauney, McClammy, McCotter, Moore, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Speed, Troy, Whitesides and Worth—23.

On motion of Mr. Hyman, the Senate then adjourned until

to-morrow morning 10 o'clock.

#### SEVENTY-FOURTH DAY.

SENATE CHAMBER, March 7th, 1871.

The Senate met pursuant to adjournment.

Journal of yesterday was read.

Committee on Engrossed Bills reported as correctly engrossed,

S. R. 432, resolution in favor of Mrs. Jane Hinton;

S. R. 449, resolution in favor of W. W. and D. M. Watts, which, together with amendment adopted by the Senate to H. B. 395, S. B. 460, a bill to be entitled an act to incorporate the Pennsylvania and North Carolina Land and Lumber Company, heretofore reported as correctly engrossed, were transmitted to the House of Representatives for concurrence.

A message was received from the House of Representatives transmitting engrossed copies of amendments to following Senate bills:

Amendment to S. R. 212, H. R. 140, resolution to print Governor's message;

Amendment to S. B. 452, H. B. 489, a bill to be entitled an act to incorporate the Petersburg, Clarksville, Roxboro', Yanceyville and Greensboro' Railroad Company;

Amendment to S. B. 325, H. B. 483, a bill to be entitled an act

n relation to entries of land in Jackson county, which were severally concurred in by the Senate, and the House of Representatives forthwith informed thereof by message.

A message was received from the House of Representatives sking for the immediate return of H. R. 240, providing for he appropriation of money out of the school fund for the paynent of witnesses in the impeachment case.

The request of the House was agreed to, and the bill eturned.

Leave of absence for the week was granted to Mr. Barnett.

The Committee on Propositions and Grievances report favorbly on the following:

- S. R. 537, H. B. 114, resolution amendatory of section 2 of resolution in reference to disabled soldiers;
- S. B. 552, a bill to be entitled an act authorizing the county ommissioners of the county of Tyrrell to levy and collect a pecial tax;
- S. R. 533, H. R. 110, resolution in favor of John Crisp, of facon county;
- S. B. 525, H. B. 503, a bill to be entitled an act to prevent ae sale of spirituous liquors within one mile of Port Hembrie academy, in Clay county;
- S. B. 516, a bill to be entitled an act to prevent the sale of birituous liquors within two miles of Blockersville Academy, the county of Cumberland, with amendment;
- S. B. 543, H. B. 298, a bill to be entitled an act to authorize a commissioners of Gaston county to levy a special tax for the surpose of repairing a bridge, &c.
- And unfavorably on
- S. B. 538, H. B. 422, a bill to be entitled an act to authorize Austin, late sheriff of Union county, to collect arrears of exes;
- S. B. 515, a bill to be entitled an act to exempt persons from sing compelled to serve as overseers on public roads;
- S. B. 521, H. B. 512, a bill to be entitled an act to prevent

the sale of spirituous liquors near Montpelier Church, in Robeson county, and Hallsville, in Duplin.

S. B. 542, H. B. 493, a bill to be entitled an act to authorize John S. Wood, sheriff of Pasquotank county, to collect arrears of taxes;

S. B. 529, H. B. 369, a bill to be entitled an act in favor of J. Kline, sheriff of Catawba county;

And recommended that

S. B. 477, a bill to be entitled an act in relation to the meadows in Rockingham county, be laid on the table.

The Committee on Finance reported unfavorably on

S. B. 514, a bill to be entitled an act to liquidate the public debt.

The following bills, &c., were introduced, read and passed first time and referred, or were otherwise disposed of, as follows:

By Mr. Latham, a bill to be entitled an act to submit the question of Convention or No Convention to the people, and to provide for the election of delegates. Ordered to be printed and made special order for 7½ P. M., 10th March.

By Mr. Love, a bill to be entitled an act to prevent the useless employment of legal counsellors. To committee on judiciary.

By Mr. Whitesides, a bill to be entitled an act in relation to executors and administrators. To committee on judiciary.

By Mr. Fleming, a bill to be entitled an act to amend chapter 47, acts of 1868-'69. To committee on judiciary.

By Mr. McClammy, a bill to be entitled an act to incorporate the Real Estate and Loan Association of Wilmington, N. C. To committee on corporations.

By Mr. Linney, a bill to be entitled an act to change the time of holding the courts in the 10th and 11th Judicial Districts. To committee on judiciary.

By Mr. Cook, resolution regulating the meetings of the Senate. Laid on table.

By Mr. Jones, resolution in favor of Public Printer. Laid over under the rules.

By message from House of Representatives:

H. B. 266, a bill to be entitled an act to prevent fishing on Sunday. To committee on propositions and grievances.

S. B. 554, H. B. 460, a bill to be entitled an act to charter the Culsagee Corundum Mining and Manufacturing Company. To committee on agriculture, &c.

H. B. 281, a bill to be entitled an act to incorporate the town of Jefferson, in the county of Ashe. To committee on

corporations.

H. B. 495, a bill to be entitled an act supplemental to an act passed at the present General Assembly, entitled an act to ay off and establish a county by the name of "Swain." To committee on propositions and grievances.

H. B. 380, a bill to be entitled an act to incorporate the Georgia and North Carolina Railroad Company. To com-

inittee on internal improvements.

H. B. 434, a bill to be entitled an act to authorize the city f Wilmington to make conveyances in fee simple to a certain ot. To committee on judiciary.

H. B. 228, a bill to be entitled an act to repeal section 31, hapter 208, of an act ratified April 12th, 1869. Judiciary.

H. B. 210, a bill to be entitled an act to provide for the upport of the Insane Asylum for the next fiscal year. To committee on insane asylum.

S. B. 553, a bill to be entitled an act to amend section 199, hapter 4, of the Code of Civil Procedure, concerning attachients. To committee on judiciary.

H. B. 486, a bill to be entitled an act to amend an act in plation to taking shad and herring in the waters of Neuse ver and Contentnea creek. To committee on propositions and grievances.

H. B. 464, a bill to be entitled an act to construct a railroad om Kenansville, in Duplin county, to Clinton in Sampson

ounty. To committee on internal improvements.

The Committee on Enrolled Bills reported as correctly enrolled,

Resolution in favor of E. F. Underhill;

An act to incorporate the Yanceyville, Danville and Coal Field Railroad;

An act to amend an act entitled an act authorizing the incorporation of Homestead and Building Association in this State;

An act authorizing the commissioners of Chatham county to issue bonds;

An act to incorporate the Statesville Seminary;

Resolution in favor of W. P. Batchelor;

Resolution in favor of Jefferson Hinton;

An act to incorporate the Tomatla Iron Company, which were ratified and transmitted to the Secretary of State.

At 11 A. M. the Senate took a recess to sit as a court of impeachment.

The court having adjourned, the Senate was called to order by the Chair.

On motion, the Senate adjourned.

#### SEVENTY-FIFTH DAY.

SENATE CHAMBER, March 8th, 1870.

The Senate met pursuant to adjournment.

Journal of yesterday was read.

The Committee on Propositions and Grievances reported S. B. 535, H. B. 326, a bill to be entitled an act to provide for the election of a tax collector for Gaston county, with accompanying amendments.

The Committee on Finance reported unfavorably on

S. B. 540, H. B. 103, a bill to be entitled an act to change the time for settling public taxes. The Committee on Engrossed Bills reported as correctly engrossed,

S. B. 88, a bill to be entitled an act to transfer \$1,000,000 of State stock in North Carolina Railroad Company and Atlantic and North Carolina Railroad Company, &c., which was transmitted to the House of Representatives for concurrence.

The Committee on the Judiciary reported S. B. 223, a bill to be entitled an act in relation to justices of the peace and constables with an amendment in nature of a substitute.

The Committee on the Insane Asylum reported favorably on S. B. 569, H. B. 210, a bill to be entitled an act to provide for the support of the Insane Asylum for the next fiscal year.

The following bills, &c., were introduced, read and passed ifirst time, and referred or were otherwise disposed of, as follows:

By Mr. Lehman, a bill to be entitled an act concerning the execution of judgments. To committee on judiciary.

By Mr. Worth, a bill to be entitled an act to repeal the Code of Civil Procedure. To committee on judiciary.

By Mr. Cook, resolution to change hour of meetings of the Senate. Adopted.

By Mr. Murphy, resolution in regard to Joint Select Committee on Cape Fear Navigation Company. Laid over under the rules.

By Mr. Troy, resolution in favor of J. R. Graddy, sheriff.

To committee on propositions and grievances.

The consideration of unfinished business being now in order, S. B. 255, a bill to be entitled an act to charter the Catawba Valley Railroad was taken up, the question being upon the notion to reconsider the vote by which the bill was rejected on its third reading. The motion to reconsider prevailed, and the bill passed the third time. Yeas 24; Nays 11.

Affirmative—Messrs. Albright, Battle, Council, Crowell, Currie, Dargan, Edwards, Fleming, Gilmer, Graham of Alanance, Hawkins, Latham, Ledbetter, Linney, Love, Mauney,

McClammy, McCotter, Morehead, Murphy, Robbins of Davidson, Skinner, Waddell and Worth—24.

Negative—Messrs. Beasley, Bellamy, Brogden, Brown, Cook, Eppes, Flythe, Hyman, King, Merrimon and Whitesides—11.

Under a suspension of the rules, S. R. 568, resolution in tavor of State Printer was taken up, read and passed its several readings. Yeas 29; Nays 3.

Affirmative—Messrs. Albright, Allen, Battle, Brown, Cook, Council, Crowell, Cvrrie, Dargan, Edwards, Gilmer, Graham of Alamance, Hyman, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Skinner, Speed, Troy, Waddell and Worth—29.

Negative—Messrs. Brogden, King and Price—3.

Ordered to be further engrossed and transmitted to House of Representatives for concurrence.

The consideration of the unfinished business being still in order,

S. B. 25, a bill to be entitled an act to change the line between the counties of Edgecombe and Nash was taken up, the question being upon the amendments thereto adopted by the House of Representatives,

Mr. Battle moved that the Senate disagree thereto, and request a committee of conference.

Upon this motion the yeas and nays were demanded. The Senate agreed thereto, and the motion prevailed. Yeas 27 Nays 11.

Affirmative—Messrs. Albright, Allen, Battle, Brown, Cook Council, Crowell, Currie, Dargan, Edwards, Fleming, Gilmer Graham of Alamance, Jones, Linney, Mauney, Merrimon Morehead, Murphy, Robbins of Davidson, Robbins of Rowan Skinner, Speed, Troy, Waddell, Whitesides and Worth—27

Negative—Messrs. Beasley, Bellamy, Brogden, Eppes, Hyman, King, Latham, Ledbetter, Love, Moore, Olds and Price-11.

S. B. 292, a bill to be entitled an act to consolidate the N

N. C. R. R. Company and the Western N. C. R. R. Company, and for other purposes, was made special order for  $7\frac{1}{2}$  P. M., Friday, 10th March, 1871.

On motion of Mr. Love, S. B. 507, H. B. 469, a bill to be entitled an act in relation to fishing in the waters of Pamlico and Tar river, and of Tranter's creek, was recommitted to committee on propositions and grievances.

The Committee on Enrolled Bills reported as correctly en-

An act to incorporate the Pennsylvania and North Carolina

Land and Lumber Company;

Joint resolutions concerning a canal from the Waccamaw to Little river, South Carolina, which were ratified and transmitted to the Secretary of State.

At 11 o'clock, A. M., the Senate took a recess to sit as a court of impeachment.

The court having adjourned, the Senate was called to order by the Chair.

On motion, the Senate adjourned until 7½ P. M.

## SENATE CHAMBER, 71 P. M., March 8th, 1871.

The Senate met pursuant to adjournment, and proceeded to the consideration of the special order for the hour.

S. B. 299, a bill to be entitled an act to authorize exchange of certain railroad bonds issued during the war. On its second reading,

Mr. Whitesides moved the following amendment:

Provided, that the said bonds shall be sealed according to an act intitled an act to provide a scale for depreciated Confederate urrency, passed by the General Assembly of 1865 and 1866; aid scale shall be applied at the time the present holders received said bonds, and new bonds shall be issued for the mount remaining after the application of said scale.

Mr. Latham called the previous question. The Senate sustained the call. The question recurring first on the amendment offered by Mr. Whitesides, it did not prevail.

The question then recurring upon the passage of the bill on its second reading, the yeas and nays were demanded. The Senate agreed thereto, and the bill did not pass. Yeas 11: Nays 30.

Affirmative—Messrs. Dargan, Gilmer, Graham of Alamance, Graham of Orange, Jones, Ledbetter, McClammy, Morehead, Murphy, Price and Troy—11.

Negative—Messrs. Albright, Allen, Battle, Bellamy, Brogden, Brown, Cook, Council, Crowell, Currie, Edwards, Fleming, Flythe, Hyman, King, Latham, Linney, Love, Mauney, McCotter, Merrimon, Moore, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell, Whitesides and Worth—30.

Mr. Linney moved to re-consider the vote just taken, and further moved to lay that motion on the table.

Pending the consideration of which, the Senate adjourned.

# SEVENTY-SIXTH DAY.

SENATE CHAMBER, March 9th, 1871.

The Senate met pursuant to adjournment.

Journal of yesterday was read.

Mr. Beasley asked and obtained leave to have his name recorded in the negative on the vote by which S. B. 299, a bill to be entitled an act to authorize the exchange of certain bonds issued during the war for internal improvements for new bonds, was rejected on yesterday.

The Committee on Propositions and Grievances reported

favorably on

S. B. 556, H. B. 495, a bill to be entitled an act supplemental

to an act passed at the present General Assembly, entitled an act to lay off and establish a county by the name of Swain;

S. R. 572, resolution in favor of J. R. Grady, sheriff.

The Committee on Judiciary reported favorably on

S. B. 420, H. B. 291, a bill to be entitled an act to amend chapter 33, laws of 1858-'59;

S. B. 459, H. B. 46, a bill to be entitled an act to render valid and binding the acts of certain officers of the State, and for other purposes;

S. B. 530, a bill to be entitled an act to protect the interests of the State at sales under execution;

S. B. 548, a bill to be entitled an act to protect bona fide purchasers at sheriffs' sales for taxes in the year 1869;

And unfavorably upon

S. B. 524, H. B. 399, a bill to be entitled an act in relation to process where a sheriff is a party;

S. B. 544, a bill to be entitled an act to regulate appeals from the Superior Courts to the Supreme Courts in capital cases.

The Committee on Engrossed Bills reported as correctly engrossed,

S. R. 568, resolution in favor of State Printer, which was transmitted to the House of Representatives for concurrence.

The Chair announced Messrs. Edwards, Waddell and Lehman as the Senate branch of Committee of Conference upon S. B. 25, a bill to be entitled an act to change the line between the counties of Edgecombe and Nash, and the House was informed by message thereof.

Mr. McClammy presented memorial from certain citizens, which was referred to select committee to investigate the sale of States stock in the Cape Fear Navigation Company.

Mr. Currie presented a memorial of certain other citizens upon same subject, which was referred to same committee.

H. B. 164, a bill to be entitled an act to amend chapter 2, sections 14 and 15, Revised Code of North Carolina, was introduced by message from the House of Representatives, read and

passed first time and referred to committee on propositions and grievances.

A message was received from the House of Representatives transmitting S. B. 137, a bill to be entitled an act to authorize the commissioners of Guilford county to issue bonds for the purpose of funding and paying off the county debt, with amendment thereto adopted by the House.

The question recurring upon the amendment, the Schate concurred therein.

Under a suspension of the rules S. R. 572, resolution in favor of J. R. Grady, sheriff, was put upon its several readings.

Mr. Troy moved to insert an additional section.

The motion prevailed, and the resolution as amended passed the second and third times. Yeas 28; Nays 9.

Affirmative—Messrs. Adams, Albright, Allen, Brogden, Brown, Cook, Council, Crowell, Currie, Dargan, Edwards, Eppes, Fleming, Gilmer, King, Latham, Ledbetter, Lehman, Linney, Mauney, McClanmy, McCotter, Murphy, Skinner, Speed, Troy, Waddell and Worth—28.

Negative—Messrs. Beasley, Bellamy, Graham of Orange, Hyman, Love, Merrimon, Morehead, Robbins of Davidson and Whitesides—9.

Mr. Robbins, of Rowan, moved to reconsider the vote by by which was adopted on yesterday, the resolution offered by Mr. Cook to change the hours of the meetings of the Senate.

Mr. Love called the previous question. The Senate sustained the call and the motion to reconsider prevailed.

The question then recurring upon the adoption of the resolution,

Mr. Morehead moved to amend so that the Senate shall not meet regularly on Saturday night.

Mr. Murphy moved to commit the resolution to the committee on propositions and grievances.

Upon this Mr. Love demanded the yeas and nays. The Senate agreed thereto, and the motion did not prevail. Yeas 17; Nays 25.

Affirative—Messrs. Beasley, Dargan, Edwards, Fleming, Flythe, Gilmer, Graham of Orange, Hawkins, Hyman, Latham, Ledbetter, Lehman, McCotter, Murphy, Olds, Robbins of Rowan and Troy—17.

Negative—Messrs. Adams, Albright, Allen, Battle, Brogden, Brown, Cook, Council, Crowell, Eppes, Graham of Alamance, King, Linney, Love, Mauney, McClammy, Merrimon, Moore, Morehead, Robbins of Davidson, Skinner, Speed, Waddell, Whitesides and Worth—25.

A call for the previous question was made, and, the Senate naving sustained, the same the amendment offered by Mr. Morehead was adopted.

The question then recurring upon the adoption of the reso. The senate agreed thereto, and the resolution was not adopted Yeas 21; Nays 22.

Affirmative—Messrs. Adams, Albright, Battle, Beasley, Brogden, Brown, Cook, Council, Crowell, King, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Robbins of Davidon, Speed, Waddell, Whitesides and Worth—21.

Negative—Messrs. Allen, Currie, Dargan, Edwards, Eppes, Pleming, Flythe, Gilmer, Graham of Alamance, Graham of Prange, Hawkins, Hyman, Latham, Ledbetter, Lehman, Medotter, Moore, Murphy, Olds, Robbins of Rowan, Skinner and Proy—22.

Mr. Love moved that the Senate do now adjourn. The totion did not prevail.

On motion of Mr. Murphy, the rules were suspended and B. 569, H. B. 210, a bill to be entitled an act to provide for a support of the Insane Asylum for the next fiscal year, was ken from the calendar and put on its several readings.

Mr. Love moved to postpone the further consideration thereand make it special order for 7½ P. M.

Mr. Graham, of Orange, called the previous question. The nate sustained the call, and the question recurring upon the ssage of the bill the secone time,

Mr. Love demanded the yeas and nays. The Senate did not agree thereto.

The Chair was proceeding to put the question to the Senate when Mr. Love rose to the following point of order, to wit: that the Constitution required the yeas and nays to be taken on the passage of this bill on both the second and third readings and entered upon the journal.

The Chair decided the point of order to be not well taken. From the decision of the Chair Mr. Love appealed to that of the Senate.

The question having been submitted to the Senate, it was decided that the decision of the Chair should stand as the decision of the Senate.

The bill then passed the second time.

The bill was then put on its third reading, pending which the hour of 11 A. M. arrived, and the Senate took a recess to sit as a court of impeachment.

The court having adjourned, the Senate was called to order by the Chair.

The Committee on Enrolled Bills reported as correctly enrolled,

An act to amend section 1, chapter 122, Laws of 1869-'70, relative to entries of land in Jackson county;

An act to amend section 18, chapter 229, laws of 1869-70, entitled an act to raise revenue;

An act to incorporate the Petersburg and Greensboro' Railroad Company;

Which were ratified and transmitted to the Secretary of State.

The Senate then adjourned until to-morrow morning 10 o'clock.

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#### SEVENTY-SEVENTH DAY.

SENATE CHAMBEP, March 10th, 1871.

The Senate met pursuant to adjournment.

Journal of yesterday was read.

Leave of absence heretofore granted to Mr. Norment was extended until Monday.

Leave of absence was granted to Messrs. Currie and Price until Monday morning.

The Committee on Judiciary reported favorably on

S. B. 522, H. B. 141, a bill to be entitled an act to provide another mode of taking depositions to be used by the several courts of this State,

And unfavorably on

S. B. 481, a bill to be entitled an act for the relief of sheriffs in certain cases.

The Committee on Education and Literary Board reported favorably on

S. B. 398, H. B. 226, a bill to be entitled an act to amend an act to provide for a system of public instruction, with accompanying amendment.

The Committee on Privileges and Elections reported favorably on

S. B. 402, H. B. 48, a bill to be entitled an act in regard to voting on separate ballot;

S. R. 333, resolution in favor of William A. Bradsher, with amendment in the nature of a substitute.

The Committee on Corporations reported favorably on

S. B. 517, a bill to be entitled an act to icorporate the Cape Fear Guano Company;

S. B. 526, H. B. 410, a bill to be entitled an act to incorporate the Co-operative Savings and Loan Association;

S. B. 527, H. B. 414, a bill to be entitled an act to incorperate the Navassa Guano Company of Wilmington;

S. B. 528, H. B. 487, a bill to be entitled an act to incorporate the Peabody Educational Association in Carteret;

S. B. 531, H. B. 454, a bill to be entitled an act to incorporate the Cabarrus Rocky River Bridge Company;

S. B. 532, H. B. 433, a bill to be entitled an act to incorporate Elmwood Lodge of Ancient Free and Accepted Masons;

S. B. 539, H. B. 477, a bill to be entitled an act to incorporate the South River Draining Company;

S. B. 558, H. B. 281, a bill to be entitled an act to incorporate the town of Jefferson, in the county of Ashe;

S. B. 554, a bill to be entitled an act to incorporate the Real Estate and Loan Association of Wilmington, N. C.

The following bills were introduced, read and passed first time and referred, as follows:

By Mr. Olds, a bill to be entitled an act to protect the city of Raleigh from accident by fire. To committee on corpora; tions.

By Mr. Dargan, a bill to be entitled an act to authorize the county commissioners of Anson county to issue bonds, &c. To committee on propositions and grievances.

By Mr. Graham, of Orange, resolution in relation to the investigation of the sale of the State's interest in the Cape Fear Navigation Company. Placed on Calendar.

Under a suspension of the rules, the following bills and resolutions were acted on, as follows:

S. R. 578, resolution in relation to the investigation of the sale of the State's interest in the Cape Fear Navigation Company. Read and passed second and third times. Yeas 32; Nays 5.

Affirmative—Messrs. Adams, Allen, Battle, Beasley, Cook, Cowles, Dargan, Edwards, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Jones, King, Latham, Ledbetter, Love, Mauney, McCotter, Moore, Morehead, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whitesides and Worth—32.

Negative-Messrs. Albright, Bellamy, Brogden, Council and Linney-5.

Ordered to be forthwith engrossed and sent to the House of Representatives for concurrence.

S. B. 142, a bill to be entitled an act in relation to the Western Turnpike Road.

Mr. Love offered an amendment in the nature of a substitute, which was adopted, and the bill as amended passed the second and third times. Yeas 39; Nays none.

Affirmative—Messrs. Adams, Albright, Battle, Beasley, Brogden, Brown, Cook, Council, Cowles, Crowell, Dargan, Edwards, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, King, Latham, Ledbetter, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whitesides and Worth—39.

Negative-None.

S. B. 327, a bill to be entitled an act allowing executors and administrators to plead anew in certain cases. Read and passed second and third times. Yeas 42; Nays none.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Beasley, Brogden, Cook, Council, Cowles, Dargan, Edwards, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whitesides and Worth—42.

Negative-None.

S. B. 434, a bill to be entitled an act to authorize the commissioners of Anson county to levy a special tax, &c. Read and passed third time. Yeas 34; Nays 1.

Affirmative—Messrs. Adams, Albright, Battle, Beasley, Brogden, Brown, Cook, Council, Cowles, Crowell, Dargan, Edwards, Fleming, Flythe, Gilmer, Graham of Alamance,

Graham of Orange, Hawkins, Hyman, Jones, King, Latham, Ledbetter, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Skinner, Speed, Troy and Worth—34.

Negative-Mr. Robbins of Davidson-1.

S. B. 469, a bill to be entitled an act in relation to widows' years support. The amendment in the nature of a substitute offered by the committee on the judiciary was adopted and the bill passed the third time. Yeas 41; Nays 1.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Beasley, Brogden, Brown, Cook, Council, Cowles, Crowell, Dargan, Edwards, Eppes, Flemming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, Merrimon, Moore, Morehead, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Worth—41.

Negative-Mr. Whitesides-1.

S. B. 569, H. B. 210, a bill to be entitled an act to provide for the support of the Insane Asylum for the next fiscal year, was read and passed third time. Yeas 35; Nays 7.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Beasley, Brown, Council, Dargan, Edwards, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Troy, Whitesides and Worth—35.

Negative—Messrs. Bellamy, Brogden, Cook, Cowles, Crowell, Speed and Waddell—7.

At 11 o'clock, A. M., the Senate took a recess to sit as a court of impeachment.

The court having adjourned, the Senate was called to order by the Chair.

The Committee on Enrolled Bills reported as correctly enrolled,

An act to authorize the commissioners of Guilford county

to issue bonds, which was ratified and transmitted to the Secretary of State

The Senate then adjourned until 7½ P. M.

# SENATE CHAMBER, 7½ P. M., March 10th, 1871.

The Senate met to pursuant to adjournment, and proceeded to the consideration of special order, S. B. 89, a bill to be entitled an act to allow railroad and other corporations to purchase the stock of the State in such corporations, by returning to the Treasurer the bonds with which such stock was obtained, and for other purposes.

On motion of Mr. Gilmer, the bill was made the special order for 7½ P. M., Wednesday, 18th March.

The Senate then proceeded to the consideration of the next special order, to wit:

S. B. 571, a bill to be entitled an act to submit the question of Convention or No Convention to the people, and to provide for the election of delegates.

The bill was read the second time.

Mr. Latham called the previous question. Upon this the yeas and nays were demanded.

The Senate agreed thereto, and the main question was ordered to be now put. Yeas 26; Nays 17.

Affirmatie—Messrs. Allen, Bellamy, Brown, Cook, Council, Crowell, Dargan, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Lehman, Linney, Mauney, McClammy, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy and Waddell—26.

Negative—Messrs. Albright, Battle, Beasley, Brogden, Cowles, Edwards, Eppes, Hawkins, Hyman, King, Ledbetter, Love, McCotter, Merrimon, Moore, Olds and Whitesides—17.

The question recurring upon the passage of the bill the second time,

Mr. Robbins, of Rowan, demanded the yeas and nays. The Senate agreed thereto, and proceeded to vote as follows:

Affirmative—Messrs. Adams, Albright, Allen, Battle, Brown, Cook, Council, Cowles, Crowell, Dargan, Edwards, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Ledbetter, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren, Whitesides and Worth—34.

Negatice—Messrs. Beasley, Bellamy, Brogden, Eppes, Flythe, Hawkins, Hyman, King, Lehman, McCotter, Moore and Olds—12.

The Chair having announced the vote, declared the bill to have received the votes of two-thirds of all the Senatore elect, and to have passed the second time.

The bill was then read the third time.

Mr. Love moved the following amendment, to come in at the end of 12th section:

5th. To offer or propose any amendment to, or in anywise to interfere with, repeal, modify or change the following words found in section five, article five, of the present Constitution, to wit:

"The General Assembly shall have no power to give or lend the credit of the State in aid of any person, association, or corporation, except to aid in the completion of such Railroads as may be unfinished at the time of the adoption of this Constitution, or in which the State has a direct pecuniary interest, unless the subject be submitted to a direct vote of the people of the State, and be approved by a majority of those who shall vote thereon."

Mr. Allen called the previous question.

Upon this motion Mr. Moore demanded the yeas and nays.

The Senate agreed thereto, and the main question was ordered to be now put. Yeas 31; Nays 14.

Affirmative—Messrs. Adams, Albright, Allen, Beasley, Brown, Cook, Council, Crowell, Dargan, Edwards, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Ledbetter, Lehman, Linney, Mauney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell and Worth—31.

Negative—Messrs. Battle, Bellamy, Brogden, Cowles, Eppes, Flythe, Hawkins, Hyman, King, Love, McCotter, Moore, Olds and Whitesides—14.

The question first recurring upon the amendment it did not prevail.

The Senate then proceeded to vote upon the bill on its passage the third time, as follows:

Affirmative—Messrs. Adams, Albright, Allen, Battle, Brown, Cook, Council, Cowles, Crowell, Dargan, Edwards, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Ledbetter, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren, Whitesides and Worth—34.

Negative—Messrs. Beasley, Bellamy, Brogden, Eppes, Flythe, Hawkins, Hyman, King, Lehman, McCotter, Moore and Olds—12.

The Chair having announced the vote, declared the bill to have received the votes of two-thirds of all the Senators elect, and to have passed the third time.

Mr. Fleming moved to reconsider the vote just taken and further moved to lay that motion on the table.

The latter motion prevailed.

Mr. Edwards moved that the Senate do now adjourn.

Upon this motion Mr. Jones demanded the yeas and nays. The Senate agreed thereto, and the motion did not prevail. Yeas 10; Nays 32.

Affirmative—Messrs. Allen, Brown, Cowles, Dargan, Edwards, Lehman, Linney, Love, Mnrphy and Skinner—10.

Negative—Messrs. Adams, Albright, Battle, Beasley, Bellamy, Brogden, Cook, Council, Crowell, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Hawkins, Hyman, Jones, King, Latham, Ledbetter, McClammy, McCotter, Merrimon, Moore, Morehead, Olds, Robbins of Davidson, Speed, Troy, Waddell, Whitesides and Worth—32.

On motion of Mr. Merrimon, S. B. 292, a bill to be entitled an act to consolidate the North Carolina Railroad Company and the Western North Carolina Railroad Company, and for other purposes, was made special order for  $7\frac{1}{2}$  P. M. Wednesday, 15th March.

On motion of Mr. Latham, the rules were suspended and S. B. 552, a bill to be entitled an act authorizing the county commissioners of the county of Tyrrell to levy and collect a special tax, was read and passed second time. Yeas 29; Nays 6.

Affirmative—Messrs. Adams, Allen, Battle, Beasley, Brogden, Council, Crowell, Dargan, Edwards, Fleming, Gilmer, Graham of Orange, Hawkins, Jones, King, Latham, Ledbetter, Linney, Love, Mauney, McCotter, Morehead, Murphy, Skinner, Speed, Troy, Waddell, Whitesides and Worth—29.

Negative—Messrs. Bellamy, Cook, Cowles, Graham of Alamance, Merrimon and Moore—6.

On motion of Mr. Love, S. B. 501, H. B. 283, a bill to be entitled an act to lay off and establish the county of Lee, was put on its several readings under a suspension of the rules.

The amendment offered by the Committee on Propositions and Grievances, to wit, to strike out sections 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14 and 15, prevailed.

Mr. Speed moved to strike out the word Lee, wherever it occurs in said bill and insert word Harvey.

Mr. Gilmer moved to amend the amendment by striking out Harvey and inserting Ramseur.

Mr. Latham called for a division of the question.

Mr. Whitesides called the previous question.

The Senate sustained the call.

The question first recurring upon the motion to strike out, the Senate refused to strike out.

The question then recurring upon the passage of the bill the second time, the yeas and nays were demanded. The Senate agreed thereto, and the bill passed the second time. Yeas 21; Nays 19.

Afflrmative—Mossrs. Battle, Beasley, Bellamy, Council, Crowell, Dargan, Eppes, Fleming, Ledbetter, Love Mauney, McClammy, McCotter, Merrimon, Morehead, Olds, Robbins of Rowan, Speed, Troy, Whitesides and Worth—21.

Negative—Messrs. Adams, Albright, Brogden, Cook, Cowles, Edwards, Gilmer, Graham of Orange, Hawkins, Hyman, Jones, King, Latham, Linney, Moore, Murphy, Robbins of Davidson Skinner and Waddell—19.

On motion, the Senate adjourned until to-morrow morning 110 o'clock.

## SEVENTY-EIGHTH DAY.

SENATE CHAMBER, March 11th, 1871.

The Senate met pursuant to adjournment Journal of yesterday was read.

Leave of absence until Wednesday morning was granted to Mr. Hawkins.

The Committee on Corporations reported favorably on

S. B. 523, H. B. 408, a bill to be entitled an act to incorpcrate the Trustees of Little River Academy.

The following bills were introduced, read and passed first time, and referred or were otherwise disposed of, as follows:

By Mr. Robbins, of Rowan, an act changing the time for

the election for members of Congress in this State. Placed on calendar.

By Mr. Brogden, a bill to be entitled an act for the relief of the sheriffs of Wayne, Wilson and other counties. To committee on propositions and grievances.

By Mr. Mauney, resolution in favor of James H. Moore. Placed on calendar.

By message from the House of Representatives,

H. B. 200, a bill to be entitled an act to authorize the county commissioners of Bladen county to levy a special tax. To committee on propositions and grievances.

H. R. 258, resolution instructing the Public Treasurer to to employ counsel to defend a suit in the United States Circuit Court. Placed on calendar.

The rules having been suspended, S. R. 579, resolution in tavor of James H. Moore, was read and passed second and third times. Yeas 25; Nays 4.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Brown, Council, Cowles, Crowell, Dargan, Edwards, Fleming, Graham of Alamance, Jones, Latham, Ledbetter, Linney, Mauney, McClammy, Murphy, Skinner, Speed, Troy, Waddell, Whitesides and Worth—25.

Negative—Messrs. Brogden, King, Moore and Robbins of Davidson—4.

Ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

A message was received from the House of Representatives transmitting S. B. 243, a bill to be entitled an act in relation to tees of county officers and the Supreme Court Clerk, with engrossed amendments thereto adopted by the House, and asking the concurrence of the Senate therein.

The question recurring upon the amendments, Mr. Love moved that the Senate disagree thereto and ask a committee of conference in relation thereto. The motion prevailed.

On motion of Mr. Allen, the rules were suspended, and H.

R. 258, resolution instructing the Public Treasurer to employ counsel to defend a suit in the United States Circuit Court, was put on its several readings.

Mr. Robbins, of Davidson, moved to strike out the words "that the State Treasurer is instructed to retain the services of the Attorney General, and to authorize the Attorney General," and insert instead thereof, the words "that the Attorney General be requested to appear in behalf of the State and be authorized." The motion prevailed.

Mr. Linney moved to strike out the words "and be authorized to retain such other professional services as he shall deem advisable to protect the interest of the State."

Pending the consideration of which, the hour of 11 A. M. arrived, and the Senate took a recess to sit as a court of impeachment.

The court having adjourned, the Senate was called to order by the Chair.

On motion of Mr. Edwards, Mr. Lehman was excused, at his lown request, from serving on Conference Committee on S. B. 25, and Mr. Brogden was added to the committee by the Chair to fill the vacancy.

The Committee on Engrossed Bills reported as correctly engrossed,

S. B. 142, a bill to be entitled an act relative to the Western Turnpike Road;

S. B. 434, a bill to be entitled an act to authorize the comnissioners of Anson county to levy a special tax;

S. R. 572, resolution in favor of J. R. Grady, sheriff;

S. B. 225, a bill to be entitled an act to charter the Catawba. Valley Railroad;

Resolution in relation to the investigation of the sale of the tate's interest in the Cape Fear Navigation Company.

The Committee on Propositions and Grievances reported worably on

S. B. 575, H. B. 164, a bill to be entitled an act to amend

chapter 2, sections 14 and 15, Revised Code of North Carolina;

S. B. 561, H. B. 486, a bill to be entitled an act to amend an act in relation to taking shad and herring in the waters of Neuse river and Contentness creek;

S. B. 555, H. B. 266, a hill to be entitled an act to prevent

fishing on Sunday;

S. B. 577, a bill to be entitled an act to authorize the county commissioners of Anson county to issue bonds, &c.

Mr. Worth, on leave granted, introduced a bill to provide for the reduction and settlement of the public debt, which was read first time, ordered to be printed, and made special order for 7½ P. M., Wednesday, 15th March.

The following acts and resolutions were reported as correctly enrolled:

An act to repeal chapter 46, laws of 1868-'69, and chapter 131, laws of 1869-'70, an to re-enact chapter 9 of Revised Code, entitled attorneys at law;

An act to incorporate the trustees of Augsburg Male and Female Academy;

An act to authorize tax collectors to collect taxes which shall be due and unpaid;

An act to empower the commissioners of the town of Tarboro' to levy a tax;

An act providing for the support of the Insane Asylum for the next fiscal year;

An act to amend section 47, chapter 93, laws of 1868-'69;

Resolution in favor of Jas. H. Moore, contractor for Public Printing, which were ratified and transmitted to the Secretary of State.

The Senate then adjourned until Monday morning 10 o'clock.

The Committee on Engressid Bills reported as correctly engrossed, S. R. 571, a bill to be entitled an act to submit the

#### SEVENTY-NINTH DAY.

SENATE CHAMBER, March 13th, 1871.

The Senate met pursuant to adjournment.

Journal of Saturday was read.

The Chair announced Messrs. Love, Graham, of Orange, and King as Senate branch of Committee of Conference on S. B. 243, a bill to be entitled an act in relation to fees of county officers and the Supreme Court Clerk.

The Committee on Propositions and Grievances reported favorably on S. B. 549, a bill to be entitled an act authorizing the county commissioners of the county of Gates to levy a special tax and approving thereof.

Mr. Norment asked and obtained leave to have his name recorded in the affirmative on the votes by which S. B. 571, a bill to be entitled an act to submit the question of Convention or no Convention to the people, and to provide for the election of delegates was passed the second and third times on Friday.

The following bills were introduced, read and passed first time and were referred, or otherwise disposed of, as follows:

By Mr. Lehman, resolution concerning the centennial anniversary of American Independence. Made special order for 10½ A. M., Monday, 20th March,

By Mr. Speed, a bill to be entitled an act to authorize the Elizabeth City Ship Building Association. Placed on calendar.

By Mr. McClammy, a bill to be entitled an act to amend the charter of the city of Wilmington. Referred to committee on corporations.

Mr. Graham, of Alamance, was announced as temporarily on Committee on Engrossed Bills.

The Committee on Engrossed Bills reported as correctly engrossed, S. B. 571, a bill to be entitled an act to submit the

question of Convention or no Convention to the people, and to provide for the election of delegates.

S. B. 327, a bill to be entitled an act allowing executors and administrators to plead anew in certain cases.

S. B. 469, a bill to be entitled an act in relation to widow's years support which, together with S. B. 255, S. B. 142, S. B. 434, S. R. 578, S. R. 572, reported on Saturday, were transmitted to the House of Representatives for concurrence.

A message was sent to the House of Representatives informing that body that the Senate had disagreed to the amendments adopted by the House to Senate bill 243, a bill to be entitled an act in relation to fees of county officers and the Supreme Court Clerk, and asking a committee of conference in relation thereto, and designating Messrs. Love, Graham, of Orange, and King as Senate branch of said committee.

Mr. Brogden presented a protest "against the Convention bill, as it was passed by the Senate on the 10th inst."

Mr. Speed moved that the protest be not received by the Senate, but that it be returned to the Senator from Wayne, as it is not respectful to the Senate, and exceeds the right of protest granted by the Constitution.

Upon this motion the yeas and nays were demanded. The Senate agreed thereto, and the motion prevailed. Yeas 30; Nays 10.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Brown, Cook, Council, Crowell, Dargan, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Ledbetter, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whitesides and Worth—30.

Negative—Messrs. Beasley, Bellamy, Cowles, Eppes, Flythe, Hyman, King, Lehman, Moore and Olds—10.

The Committee on Enrolled Bills, reported as correctly enrolled, resolution for the relief of Benj. A. Howell, late sheriff of Robeson county, which was ratified and transmitted to the Secretary of State.

The hour of 11 A. M. having arrived, the Senate took a recess to sit as a court of impeachment.

The court having at 2 P. M. taken a recess, the Senate was called to order by the Chair,

The Senate then adjourned as a Legislative body until  $7\frac{1}{2}$  P. M.

## SENATE CHAMBER, 7½ P. M., March 13th, 1871.

The Senate met pursuant to adjournment.

Mr. Robbins, of Rowan, in the Chair.

Leave of absence was granted to Mr. Beasley until Tuesday. The special order for the hour, S. R. 546, resolution concerning the recent action of the Governor, the Chief Justice and certain Associate Justices of the Supreme Court was taken up, and certain verbal alterations made by consent, when the further consideration thereof, was, on motion of Mr. Warren, postponed until Monday, and the resolution made special order for 7½ P. M.

S. B. 488, H. B. 449, a bill to be entitled an act to suppress secret political associations, it being the special order for the hour was taken up, and read the second time.

Mr. Graham, of Alamance, moved to postpone its further consideration, and to make the bill special order for  $7\frac{1}{2}$  P. M., Friday next.

Upon this motion Mr. Cook demanded the yeas and nays. The Senate refused to agree thereto.

The question recurring upon the motion to postpone, the motion did not prevail.

Mr. Speed moved to strike out words "her" and "her self," wherever they may occur in said bill.

The motion prevailed.

Mr. Hyman moved to strike out all after the word ratification in the second section.

The motion prevailed.

Mr. Murphy called the previous question. The Senate sustained the call.

The question recurring upon the passage of the bill the second time, Mr. Skinner demanded the yeas and nays. The Senate agreed thereto, and the bill passed the second time. Yeas 42; Nays 1.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Beasley, Bellamy, Brogden, Cook, Council, Cowles, Crowell, Dargan, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, Merrimon, Moore, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Whitesides and Worth—42.

Negative-Mr. Waddell-1.

The bill was then read the third time.

Mr. Love moved to strike out section 2, and called the previous question. The Senate sustained the call.

The question recurring upon the motion of Mr. Love to strike out, the motion prevailed.

The bill then passed the third time. Yeas 42; Nays 1.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Beasley, Bellamy, Brogden, Cook, Council, Cowles, Crowell, Dargan, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, Merrimon, Moore, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Whitesides and Worth—42.

Negative-Mr. Waddell-1.

Mr. Graham, of Orange, moved that the rules be suspended for the purpose of taking from the calendar, S. B. 335, a bill to be entitled an act in relation to punishment of arson and burglary, and putting it upon its second and third readings, and upon this motion demanded the yeas and nays. The Senate agreed thereto, and the motion prevailed. Yeas 27; Nays 9.

Affirmative—Messrs. Albright, Allen, Beasley, Brogden, Cook, Council, Cowles, Dargan, Fleming, Graham of Alamance, Graham of Orange, Ledbetter, Linney, Love, Mauney, McClammy, Merrimon, Moore, Morehead, Norment, Price, Robbins of Rowan, Skinner, Speed, Troy, Waddell and Worth—29.

Negative—Messrs. Adams, Bellamy, Gilmer, Jones, King, Lehman, Murphy, Robbins of Davidson and Whitesides—9.

The bill was then read the second time.

Mr. Moore moved to strike out the word burglary, wherever the same may occur in the bill. The motion did not prevail.

Mr. Robbins, of Rowan, moved the following amendment in the nature of a substitute for section 2:

That all laws or parts of laws enacted since the adoption of the present State Constitution, fixing punishments for arson or burglary, are hereby repealed, so far as the same might apply to such crimes hereafter committed.

The amendment prevailed.

Mr. Gilmer moved to strike out section 3. The motion did not prevail, and the bill passed the second and third times. Yeas 28; Nays 6.

Affirmative—Messrs. Adams, Albright, Battle, Cook, Council, Cowles, Crowell, Dargan, Fleming, Graham of Alamance, Graham of Orange, Jones, King, Latham, Ledbetter, Linney, Love, Mauney, McClammy, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whitesides and Worth—28.

Negative—Messrs. Beasley, Brogden, Gilmer, Merrimon, Moore and Norment—6.

On motion of Mr. Cowles, the Senate adjourned until tomorrow morning 10 o'clock.

#### EIGHTIETH DAY.

SENATE CHAMBER, March 14th, 1871.

The Senate met pursuant to adjournment.

Journal of yesterday was read.

Mr. Price asked and obtained leave to have his name recorded in the negative on the votes by which S. B. 571, a bill to be entitled an act to submit the question of "Convention" or "No Convention" to the people, and to provide for the election of delegates, passed its several readings.

Mr. Flythe obtained leave of absence until Tuesday morning, and Mr. McCotter was granted leave for four days.

The Committee on Internal Improvements reported favorably on

S. B. 518, a bill to be entitled an act to incorporate the Warrenton and Macon Turnpike Company;

S. B. 557, H. B 380, a bill to be entitled an act to incorporate the Georgia and North Carolina Railroad Company;

S. B. 569, H. B. 460, a bill to be entitled an act to construct a railroad from Kenansville in Duplin county, to Clinton in Sampson county.

And unfavorably upon

S. B. 59, a bill to be entitled an act to consolidate the North Carolina Railroad Company and the Atlantic and North Carolina Railroad Company.

The Committee on Education and Literary Board submitted a report upon S. R. 502, joint resolution concerning the survey of certain swamp lands.

The following bills were acted on under a suspension of the rules, as follows:

S. B. 313, a bill to be entitled an act in relation to convicts. The amendment in the nature of a substitute offered by the Judiciary Committee was adopted, and the bill passed the second and third times. Yeas 28; Nays 2.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Brown, Cook, Council, Cowles, Crowell, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, Morehead, Norment, Robbins of Davidson, Skinner, Troy, Waddell, Whitesides and Worth—28.

Negative—Messrs. Brogden and Speed—2.

Ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence, which was accordingly done.

S. R. 413, H. R. 131, resolution in favor of sheriff of Bladen. Read and passed second and third times. Yeas 33; Nays 2.

Affirmative—Messrs. Adams, Allen, Battle, Brogden, Brown, Cook, Council, Cowles, Crowell, Dargan, Eppes, Fleming, Flythe, Gilmer, Jones, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Norment, Robbins of Davidson, Skinner, Speed, Waddell, Whitesides and Worth—33.

Negative—Messrs. Graham of Alamance and Graham of Orange—2.

Reports from the majority and minority, of the members of the Committee of Conference upon S. B. 25, a bill to be entitled an act to change the line between the counties of Edge-combe and Nash, were submitted and on motion laid on the able.

S. R. 447, a resolution in tavor of Henry Biggs. Read and bassed second and third times. Yeas 33; Nays 1.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Broglen, Brown, Council, Cowles, Crowell, Dargan, Fleming, Graam of Alamance, Graham of Orange, Hyman, Jones, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, Mclammy, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Skinner, Speed, Troy, Waddell and Worth—33.

Negative—Mr. Bellamy—1.

The following bills and resolutions were introduced, and assed first time and referred, as follows:

By message from the House of Representatives, H. B. 505, a bill to be entitled an act to incorporate the Wilmington and Charlotte Ocean Steamship Company, and for other purposes. Referred to committee on corporations.

H. B. 499, a bill to be entitled an act to incorporate the town of Murphy, in Cherokee county. Referred to committee on

corporations.

H. B. 545, a bill to be entitled an act to incorporate the town of Carey. Referred to committee on corporations.

H. B. 337, a bill to be entitled an act to incorporate the Newtonian Society, at the Rutherford College, Burke county, North Carolina. Referred to committee on corporations.

H. B. 428, a bill to be entitled an act to fix capital stock of the Fairfield Canal and Turnpike Company. Referred to com-

mittee on corporations.

H. B. 514, a bill to be entitled an act to incorporate the Waynesville Academy Association. Referred to committee on corporations.

H. B. 554, a bill to be entitled an act to authorize the Albemarle Swamp Land Company, to construct a railroad from Pantego to Indian river, in Beautort County. Referred to committee on corporations.

H. B. 547, a bill to be entitled an act to incorporate the Oxford and Henderson Railroad Company. Referred to com-

mittee on corporations.

H. B. 559, a bill to be entitled an act authorizing the county commissioners of Onslow to levy a special tax. Referred to committee on propositions and grievances.

H. B. 258, a bill to be entitled an act requiring notice of any proposed application to the General Assembly for a change of county lines. Referred to committee on propositions and grievances.

H. B. 517, a bill to be entitled an act to extend the time of George Nicks, former sheriff of Yadkin county. To commit tee on propositions and grievances.

H. B. 368, a bill to be entitled an act concerning the election

commissioners of navigation and pilotage for the port of aufort, North Carolina. To committee on propositions and evances.

H. B. 536, a bill to be entitled an act to authorize the comssioners of Harnett county to levy a special tax, and for er purposes. To committee on propositions and grieves.

H. B. 11, a bill to be entitled an act concerning the annexan of a portion of Caldwell county to the county of Watauga. committee on propositions and grievances.

H. B. 376, a bill to be entitled an act to authorize the comssioners of Mitchell county to levy a special tax. To com-

tee on propositions and grievances.

H. B. 419, a bill to be entitled an act to prevent the felling rees in Caraway creek, Randolph county. To committee propositions and grievances.

1. B. 79, a bill to be entitled an act for extending the powers the county commissioners of Richmond county. To judiciary nmittee.

H. B. 312, a bill to be entitled an act to change the time of ding the Superior Courts of New Hanover county. To ciciary committee.

I. B. 186, a bill to be entitled an act regulating the appointant of guardians ad litem. To judiciary committee.

I. B. 339, a bill to be entitled an act concerning constables. judiciary committee.

I. B. 367, a bill to be entitled an act to regulate the right roting in cases where county lines have recently been altered. judiciary committee.

I. B. 246, a bill to be entitled an act to amend section 8 and cion 29, chapter 3, of an act entitled an act of proceedings priminal cases, laws of 1868-'69. To judiciary committee.

At 11 A. M. the Senate took a recess to sit as a court of imchment.

The court having taken a recess, the Senate was called to er by the Chair.

Mr. Jones moved that when the Senate adjourn, it wadjourn until  $7\frac{1}{2}$  P. M.

Upon this motion the yeas and nays were demanded. T Senate agreed thereto, and the motion prevailed. Yeas 2 Nays 11.

Affirmative—Messrs. Adams, Albright, Brogden, Coc Council, Crowell, Fleming, Flythe, Gilmer, Jones, King, L ney, Love, Mauney, McClammy, Merrimon, Morehead, Miphy, Norment, Robbins of Davidson, Speed, Waddell, Whisides and Worth—24.

Negative—Messrs. Bellamy, Dargan, Eppes, Graham of A mance, Graham of Orange, Hyman, Latham, Ledbetter, Pri Robbins of Rowan and Skinner—11.

Mr. Jones moved that only bills upon the private calend be considered to-night, and that no discussion upon any t shall extend beyond five minutes. The motion prevailed.

Mr. Love moved that a committee of three be appointed separate the public from the private bills. The motion p vailed, and the Chair appointed Messrs. Love, McClammy a King on said committee.

On motion of Mr. Graham, of Orange, the Senate took recess until after the adjournment of the court.

The court of impeachment having adjourned, the Senatew called to order by the Chair.

On motion of Mr. Cowles, the Senate adjourned.

# Senate Chamber, 7½ P. M., March 15th, 1871.

The Senate met pursuant to adjournment.

Bills, &c., were acted on, as follows:

S. R. 323, resolution in favor of James H. Enniss, read at passed second and third times. Yeas 28; Nays 0.

Affirmative—Messrs. Albright, Allen, Battle, Crowell, Darga Eppes, Gilmer, Graham of Alamance, Graham of Orange, H

, Jones, King, Lehman, Linney, Love, Mauney, McClammy, rimon, Moore, Morehead, Murphy, Olds, Robbins of David-Skinner, Speed, Waddell, Whitesides and Worth—28. Vegative-None.

B. 341, H. B. 259, a bill to be entitled an act to charter Forney's Creek Turnpike Company in Jackson county. on table.

B. 351, a bill to be entitled an act to incorporate the town Ternersville, in Forsythe county.

n motion word "day," in section 3, was stricken out and I Monday inserted.

ead and passed second and third times. Yeas 35; Nays

firmative—Messrs. Adams, Albright, Allen, Battle, Brog-Council, Cowles, Crowell, Currie, Dargan, Fleming, Gil-Graham of Alamance, Graham of Orange, Hyman, Jones, , Latham, Lehman, Linney, Love, Manney, McClammy, imon, Moore, Morehead, Murphy, Norment, Olds, Robof Davidson, Skinner, Speed, Troy, Waddell, Whitesides, Worth-35.

egative-None.

. Worth moved to suspend the rules requiring the yeas rays to be called on the passage of bills on their third readexcept as to those not reported upon by some committee. on this motion Mr. Love demanded the yeas and nays. Senate agreed thereto, and the motion did not prevail, ority of the whole number of Lenators not having voted affirmative. Yeas 25; Nays 8.

irmative-Messrs. Adams, Albright, Allen, Battle, Brog-Browell, Currie, Dargan, Fleming, Gilmer, Graham of ance, Hyman, Jones, King, Latham, Lehman, Linney, Mauney, McClammy, Morehead, Skinner, Speed, Wadnd Worth—25.

native-Messrs. Graham of Orange, Merrimon, Moore, by, Norment, Olds, Robbins of Davidson and Whitesides.

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S. B. 360, a bill to be entitled an act to provide for plevying of a special tax in the country of Perquimans. Reand passed second time. Yeas 28; Navs 8.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Brden, Council, Cowles, Crowell, Currie, Dargan, Fleming, Omer, Graham of Orange, Jones, Latham, Lehman, Ling Love, Mauney, McClammy, Morehead, Murphy, Sking Speed, Troy, Waddell, Whitesides and Worth—28.

Negative—Messrs. Graham of Alamance, Hyman, Ki Merrimon, Moore, Norment, Olds and Robbins of David

-8.

S. B. 361, H. B. 93, a bill to be entitled an act to char the line between the counties of Wilkes and Alleghany. Re and passed second and third times. Yeas 31; Nays 2.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Brden, Cook, Council, Cowles, Crowell, Currie, Dargan, Flemi Gilmer, Graham of Orange, Jones, Latham, Linney, Lo Mauney, McClammy, Merrimon, Morehead, Murphy, Norme Olds, Robbins of Davidson, Skinner, Troy, Waddell, Wh sides and Worth—31.

Negative-Messrs. Hyman and Price-2.

S. B. 353, a bill to be entitled an act to amend an act entled an act to incorporate the McLean Hook and Lad Company, No. 1, of the town of Fayetteville. Read and passecond time. The bill was then read the third time and jected. Yeas 14; Nays 20.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Br den, Council, Crowell, Currie, Fleming, Gilmer, Grahan Alamance, Murphy, Speed and Waddell—14.

Negative—Messrs. Cowles, Dargan, Graham of Orar Hyman, Jones, Latham, Linney, Love, Mauney, McClams Merrimon, Morehead, Norment, Olds, Price, Robbins of Davson, Skinner, Troy, Whitesides and Worth—20.

Mr. Troy moved to reconsider vote just taken, and to me the consideration of said motion the special order for Thuday, 16th March, 7½ P. M. The motion prevailed.

S. B. 364, H. B. 106, a bill to be entitled an act authorizing the commissioners of Brunswick county to issue bonds. Laid on table.

S. B. 365, H. B. 102, a bill to be entitled an act to provide for the appointment of commissioners of wrecks for the county of Hyde. Read and passed second and third times. Yeas 34;

Nays none.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Bellamy, Brogden, Council, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Lehman, Linney, Love, Mauney, Merrimon, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Skinner, Speed, Troy, Waddell, Whitesides and Worth —34.

Negative-None.

S. B. 366, H. B. 257, a bill to be entitled an act to incorporate the Hiawassee and Cheoah Turnpike Company. Read and

passed second and third times. Yeas 34; Nays none.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Bellamy, Council, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Jones, King, Latham, Lehman, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Olds, Price, Robbins of Davidson, Skinner, Speed, Troy, Waddell, Whitesides and Worth—34.

Negative-None.

S. B. 367, H. B. 249, a bill to be entitled an act to authorize the county commissioners of the counties of Polk and Jackson to levy a special tax.

Mr. Whitesides moved to add following proviso to section 1.

Provided, That the county commissioners of the county of Polk shall not be authorized by this act to levy or collect said ax until the question shall be submitted to the qualified voters of said county and a majority of the votes cast shall be for the evying and collection of said tax.

The amendment prevailed.

The bill then passed the second time. Yeas 24; Nays 6.

Affirmative—Messrs. Albright, Battle, Brogden, Council, Cowles, Crowell, Dargan, Gilmer, Graham of Orange, Jones, Latham, Linney, Love, Mauney, McClammy, Morehead, Murphy, Price, Skinner, Speed, Troy, Waddell, Whitesides and Worth—24.

Negative—Messrs. Bellamy, Graham of Alamance, Merrimon, Norment, Robbins of Davidson and Robbins of Rowan—6.

S. B. 369, H. B. 231, a bill to be entitled an act to amend sections 9 and 10, chapter 8, laws of 1868-'69, of an act relative to the Western Turnpike Road.

Mr. Love moved to insert in line 5 section 1, after word "road," words ratified March 17, 1869. The motion prevailed.

Mr. Love moved to further amend by inserting the following additional section:

Section 2. That the following words, to wit: "shall reside on or near said road and" found in section 1, lines 11 and 12, of said act be and the same are hereby repealed.

The amendment prevailed.

The bill then passed the second and third readings. Yeas 30; Nays none.

Affirmative—Messrs. Adams, Albright, Battle, Be lamy, Brogden, Council, Cowles, Crowell, Currie, Dargan, Gilmer, Graham of Orange, Jones, Latham, Lehman, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whitesides and Worth—30.

Negative-None.

S. B. 375, a bill to be entitled an act to incorporate Christ Church Relief Society, of Newbern, N. C. Read and passed second and third times. Yeas 34; Nays none.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Bellamy, Brogden, Council, Cowles, Crowell, Currie, Dargan, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, Latham, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whitesides and Worth—34.

Negative-None.

S. B. 384, a bill to be entitled an act to annex a part of Rutherford county to Burke county. Read and passed second and third times. Yeas 30; Nays 3.

Affirmative—Messrs. Adams, Albright, Battle, Bellamy, Brogden, Council, Cowles, Crowell, Currie, Dargan, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell and Worth—30.

Negative-Messrs. Hyman, Price and Whitesides-3.

S. B. 387, H. B 267, a bill to be entitled an act to amend the charter of the Cheoah Turnpike Company. Read and passed second and third times. Yeas 28; Nays none.

Affirmative—Messrs. Adams, Albright, Battle, Brogden, Cook, Council, Cowles, Currie, Dargan, Gilmer, Graham of Orange, Jones, Latham, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whitesides and Worth—28.

Negative-None.

S. B. 388, H. B. 220, a bill to be entitled an act to authorize A. S. Hill, sheriff of Cherokee county, to collect arrears of taxes. Laid on the table.

S. B. 389, H. B. 42, a bill to be entitled an act to prevent the felling of trees into Little river, &c. Read and passed second and third times. Yeas 32; Nays 1.

Affirmative—Messrs. Adams, Albright, Battle, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Gilmer, Gra-

ham of Orange, Hyman, Jones, Latham, Lehman, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whitesides and Worth—32.

Negative—Mr. Norment—1.

S. B. 390, H. B. 232, a bill to be entitled an act to authorize the county commissioners of Macon to levy a special tax,

Mr. Jones moved to amend by inserting the words "of the constitution" after word "provisions," in preamble. The motion prevailed, and the bill passed the second and third readings. Yeas 28; Nays 3.

Affirmative—Messrs. Adams, Albright, Battle, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Gilmer, Graham of Orange, Hyman, Jones, Latham, Lehman, Linney, Love, Mauney, McClammy, Morehead, Murphy, Skinner, Speed, Troy, Waddell, Whitesides and Worth—28.

Negative—Messrs. Merrimon, Norment and Robbins of Davidson—3.

S. B 404, a bill to be entitled an act to incorporate the People's Building and Loan Association of Ashville. Read and passed second and third times. Yeas 28; Nays 2.

Affirmative—Messrs. Adams, Albright, Battle, Cook, Council, Cowles, Crowell, Currie, Dargan, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whitesides and Worth—28.

Negative—Messrs, Brogden and Lehman—2.

S. B. 407, a bill to be entitled an act to authorize and empower the sheriff of the county of Wayne to collect arrears of taxes for the years 1869-'70. Laid on the table.

S. R. 411, H. R. 112, resolution in favor of W. J. A. Strange, of Cherokee. Read and passed second and third times. Yeas 31; Nays none.

Affirmative—Messrs. Adams, Albright, Battle, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Gilmer, Gra-

ham of Alamance, Graham of Orange, Jones, Latham, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whitesides and Worth—31.

Negative-None.

S. B. 415, H. B. 311, a bill to be entitled an act to limit the power of Township Trustees in Cherokee, Clay and other counties.

Mr. Latham moved to amend the title of the bill by inserting the word Watauga. The amendment prevailed.

Mr. Robbins, of Rowan, moved to strike out one-third in section 1, and insert one-sixth. The amendment prevailed, and the bill passed the second time.

The bill was then read third time, and on motion of Mr. Love, made special order for 7½ P. M., Wednesday, 22d March.

On motion, the Senate adjourned until to-morrow morning 10 o'clock.

### EIGHTY-FIRST DAY.

SENATE CHAMBER, March 15th, 1871.

The Senate met pursuant to adjournment.

The journal of yesterday was read.

The Judiciary Committee reported favorably on S. B. 462, a bill to be entitled an act to transfer late pending suits of Equity to the Superior Court;

S. B. 562, H. B. 434, a bill to be entitled an act to authorize the city of Wilmington to make conveyance in fee simple to a certain lot;

S. B. 574, a bill to be entitled an act concerning the execution of judgment;

S. B. 566, a bill to be entitled an act to change the courts in the 10th and 11th Judicial Districts, and unfavorably on S. B.

573, a bill to be entitled an act to repeal Code of Civil Proce dure, together with minority report of said committee in favor of said bill;

S. B. 563, a bill to be entitled an act in relation to executors and administrators.

The Committee on Corporations reported favorably on S. B. 384, a bill to be entitled an act to amend the charter of the city of Wilmington;

S. B. 576, a bill to be entitled an act to protect the city of Raleigh from accident by fire, with amendment.

The Committee on Propositions and Grievances reported favorably on S. B. 583, a bill to be entitled an act for the relief of the sheriff of Wayne, Wilson and other counties.

Committee on Engrossed Bills reported as correctly engrossed, S. B. 335, a bill to be entitled an act in relation to punishment of arson and burglary.

Amendments to H. B. 449, S. B. 488, a bill to be entitled an act to suppress secret political associations.

Leave was granted to Mr. Currie to have his name recorded in the affirmative on the votes by which S. B. 571 was adopted.

The following bills and resolutions were introduced, read and passed first time:

By Mr. Murphy, a bill to be entitled an act to amend chapter 258, of the private laws of 1858-'59. Referred to committee on propositions and grievances.

By Mr. Latham, a bill to be entitled an act to amend the charter of the Wilmington and Tarboro' Railroad Company. Referred to committee on internal improvements.

By Mr. Speed, a bill to be entitled an act to amend the charter of the town of Edenton, in the county of Chowan. Referred to committee on corporations.

By Mr. Linney, a bill to be entitled an act to amend certain sections of the Code of Civil Procedure. Referred to committee on propositions and grievances.

By Mr. Mauney, a bill to be entitled an act to amend the charter and for the better regulation of the town of Concord, in

the county of Cabarrus. Referred to committee on corporations.

A message was received from the House of Representatives transmitting the following for concurrence of Senate:

S. B. 35, H. B. 171, a bill to be entitled an act requiring sheriffs and coroners to give notice to parties in whose favor they have process for collection of money, with amendment thereto adopted by the House.

The Senate, on motion, concurred in the amendment.

S. B. 293, H. B. 371, a bill to be entitled an act to repeal certain sections of an act ratified August 17th, 1868, entitled an act to organize a militia of North Carolina, with amendment thereto, adopted by the House.

The Senate, on motion, concurred in the amendment.

S. R. 465, H. R. 222, resolution to request the Raleigh Sentinel to publish a certain act, with amendment thereto, adopted by the House.

The Senate, on motion, concurred in the amendment.

The unfinished business of preceding days being in order, the following bills were taken up and acted on, as follows:

S. B. 299, a bill to be entitled an act to authorize the exchange of certain bonds, issued during the war for internal improvement purposes, for new bonds.

The question recurring upon the motion to lay on the table' the motion to reconsider the vote by which the bill was rejected on its second reading. The motion to lay on the table prevailed.

S. B. 306, a bill to be entitled an act in relation to the corporate limits of Thomasville.

The question recurring on the passage of the bill the third time,

Mr. Robbins, of Davidson moved the following amendment:

SECTION 3. That it shall not be lawful for any person to sell or retail spirituous and intoxicating liquors in less quantities than three gallons within two miles of Thomasville Female

College, in said town, and any person offending against the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not less than one hundred nor more than two hundred dollars."

The amendment prevailed.

The bill as amended then passed third time. Yeas 26; Nays 9.

Affirmative—Messrs. Adams, Albright, Allen, Brogden, Brown, Council, Eppes, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Ledbetter, Linney, Mauney, McClammy, Merrimon, Moore, Murphy, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Whitesides and Worth—26.

Negative—Messrs. Cook, Cowles, Crowell, Dargan, Edwards, King, Latham, Skinner and Waddell—9.

At 11 A. M., the Senate took a recess to sit as a court of impeachment.

The court having adjourned, the Senate was ealled to order by the Chair.

The Committee on Enrolled Bills reported as correctly enrolled,

An act in relation to convicts;

Resolution in favor of J. R. Grady, sheriff of Harnett county;

Which were ratified and transmitted to the Secretary of State.

A message was received from the House of Representatives asking that a committee of conference be appointed to consider S. B. 51, a bill to be entitled an act to repeal an act entitled an act to extend the corporate limits of the town of Rutherfordton, and the amendments adopted thereto by the House, and disagreed to by the Senate, designating Messrs. Jones, Justice, Collis, Hill and Carson as House branch of said committee.

The Senate agreed thereto, and Messrs. Whitesides, Merrimon and Hawkins were designated as Senate branch.

The Senate then adjourned until 7½ P. M.

### SENATE CHAMBER, 7½ P. M., March 15th, 1871.

The Senate met pursuant to adjournment.

The special order for the hour, S. B. 89, a bill to be entitled an act to allow railroads and other corporations to purchase the stock of the State in such corporations by returning to the Treasury the bonds with which such stock was obtained and for other purposes, was taken up.

The question recurring upon the passage of the bill on its second reading,

Mr. Graham, of Orange, offered additional sections 3, 4, 5, 6, 7, 8 and 9, which were read.

Mr. Worth moved an amendment in the nature of a substitute for the whole bill, it being in text the same as S. B. 609, a bill to be entitled an act to provide for the reduction and settlement of the public debt.

Mr. Troy moved to amend the substitute as follows: Insert after word "creditors," in line 22, of printed bill, the words "as the only means or payments the State can ever hope to apply to such indebtedness."

On motion of Mr. Graham, of Orange, the further consideration of the special order was postponed, and made special order for 7½ P. M., Friday, 17th March.

On motion of Mr. Fleming, S. B. 551, a bill to be entitled an act to restore the credit of the State of North Carolina by reducing the State debt, was ordered to be printed and made special order for 7½ P. M., Friday, 17th March.

and disagreed to by the Stratte dies.

The Senate agreed thereto, and Messa own and Hawkins were designated as Ser The Senate thou adjourned until 14 P.

On motion of Mr. Dargan, the Senate adjourned.

#### EIGHTY-SECOND DAY.

SENATE CHAMBER, March 16th, 1870.

The Senate met pursuant to adjournment. Journal of vesterday was read.

The Judiciary Committee reported favorably on

S. B. 559, H. B. 228, a bill to be entitled an act to repeal section 31, chapter 201 of an act of April 12th, 1869.

The Committee on Engrossed Bills reported as correctly engrossed,

S. B. 351, a bill to be entitled an act to incorporate the town of Kernersville, in Forsythe county;

S. R. 447, resolution in favor of Henry Biggs;

S. B. 375, a bill to be entitled an act to incorporate Christs Church Relief Society of Newbern, N. C.;

S. B. 404, a bill to be entitled an act to incorporate the Peoples Building and Loan Association of Asheville;

S. R. 323, resolution in favor of James H. Ennis;

Amendment to H. B. 232, S. B. 390, a bill to be entitled an act to authorize the county commissioners of Macon to levy a special tax;

Amendment to H. B. 231, S. B. 369, a bill to be entitled an act to amend sections 9 and 10, chapter 8, laws 1868-'69, of an act relative to the Western Turnpike Road, which were transmitted to the House of Representatives for concurrence.

The following bills were introduced, read and passed first time, and referred or otherwise diposed of, as follows:

By Mr. Robbins, of Rowan, a bill to be entitled an act defining the duties of the Keeper of the Capitol.

By Mr. Graham, of Orange, a bill to be entitled an act in favor of the sureties of Hugh B. Guthrie, late sheriff of Orange county. To committee on finance.

By Mr. Bellamy, a bill to be entitled an act to incorporate

the town of Whitakers, in the county of Edgecombe. To committee on corporations.

By message from the House of Representatives:

H. B. 549 a bill to be entitled an act to construct a railroad from Kinston to Kenansville. To committee on internal improvements.

H. B. 516, a bill to be entitled an act to incorporate the Naval Extention Railroad Company. To committee on inter-

nal improvements.

H. B. 287, a bill to be entitled an act to amend title nineteen, chapter 11, section 478 of the Code of Civil Procedure To committee on judiciary.

Messages were received from the House of Representatives transmitting the following for the concurrence of the Senate:

S. B. 99, H. B. 468, a bill to be entitled an act to amend chapter 160, laws of 1868-'69, with amendments thereto, adopted by the House.

On motion, the Senate concurred in the amendments

S. B. 243, H. B. 296, a bill to be entitled an act in relation to fees of County Officers and Supreme Court Clerk, together with report of the conference committee upon said bill, and informing the Senate that the House had concurred therein.

On motion, the Senate concurred in the report of the com-

mittee of conference.

The Committee on Enrolled Bills reported as correctly en-

An act to provide for the appointment of commissioners of wrecks for Hyde county;

An act to annex part of Rutherford county to Burke county;
An act to amend the charter of the Cheoah Turnpike Com-

An act to incorporate the Hiawassee and Cheoah Turnpike Jompany;

An act to prevent the felling of trees into Little river;

An act to change the line between the counties of Wilkes and Alleghany;

Resolution in favor of W. J. A. Strange of Cherokee, which were ratified and transmitted to the Secretary of State.

Bills were acted on under a suspension of the rules, as follows:

S. B. 506, H. B. 291, a bill to be entitled an act making an appropriation for the Deaf, Dumb and Blind Asylum, on its second reading.

Mr. Robbins, of Davidson, moved to strike out word "forty" and insert word "thirty" instead thereof.

Mr. Norment moved to postpone the further consideration of the bill until 29th March. The motion did not prevail.

The question recurring upon the motion to strike out and insert, the yeas and nays were demanded. The Senate agreed thereto, and the motion did not prevail. Yeas 17; Nays 26.

Affirmative—Messrs. Adams, Albright, Battle, Bellamy, Brown, Cook, Cowles, Crowell, Dargan, Gilmer, Graham of Alamance, King, McCotter, Norment, Robbins of Davidson, Waddell and Whitesides—17.

Negative—Messrs. Barnett, Brogden, Council, Currie, Edwards, Eppes, Fleming, Graham of Orange, Hawkins, Hyman, Jones, Latham, Ledbetter, Lehman, Linney, Mauney, McClammy, Merrimon, Moore, Morehead, Murphy, Olds, Skinner, Speed, Troy and Worth—26.

The bill then passed second and third times. Yeas 29; Nays 17.

Affirmative—Messrs. Barnett, Brown, Council, Currie, Edwards, Eppes, Fleming, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, Merrimon, Moore, Morehead, Murphy, Norment, Olds, Price, Skinner, Trov, Whitesides and Worth—29.

Negative—Messrs. Adams, Albright, Battle, Bellamy, Brogden, Cook, Cowles, Crowell, Dargan, Gilmer, King, Latham, McCotter, Robbins of Davidson, Robbins of Rowan, Speed and Waddell—17.

"All Troy moved that when the Senne adjourns, it will ad-

S. B. 470, a bill to be entitled an act to authorize the commissioners of Cabarrus county to levy a special tax.

The question recurring upon the amendment offered by the Committee on Propositions and Grievances, the yeas and nays were demanded. The Senate agreed thereto, and the amendment did not prevail. Yeas 19; Nays 22.

Affirmative—Messrs. Adams, Bellamy, Cowles, Fleming, Gilmer, Graham, of Alamance, Graham of Orange, Jones, Ledbetter, Love, Merrimon, Morehead, Murphy, Norment, Olds, Robbins of Rowan, Skinner, Troy and Whitesides—19.

Negative—Messrs. Barnett, Battle, Brogden, Cook, Council, Crowell, Currie, Dargan, Edwards, Eppes, Hyman, King, Latham, Lehman, Linney, Mauney, McCotter, Moore, Robbins of Davidson, Waddell and Worth—22.

The bill then passed the second time. Yeas 26; Nays 16.
Afflrmative—Messrs. Adams, Battle, Brown, Cook, Council,
Crowell, Currie, Dargan, Edwards, Eppes, Gilmer, Hawkins,
Hyman, King, Lehman, Linney, Mauney, McClammy, Moore,
Murphy, Price, Robbins of Davidson, Skinner, Troy, Waddell
and Worth—26.

Negative—Messrs. Bellamy, Brogden, Cowles, Fleming Graham of Alamance, Graham of Orange, Latham, Ledbetter, Love, McCotter, Merrimon, Morehead, Norment, Olds and Robbins of Rowan—16.

S. B. 615, a bill to be entitled an act defining the duties of the Keeper of the Capitol. Read and passed second and third times. Yeas 31; Nays 5.

Affirmative—Messrs. Adams, Albright, Barnett, Battle, Brown, Council, Cowles, Crowell, Dargan, Edwards, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Latham, Ledbetter, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Whitesides and Worth—34.

Negative—Messrs. Bellamy, Brogden, Eppes, Hyman and King—5.

Mr. Troy moved that when the Senate adjourns, it will adourn until  $7\frac{1}{2}$  P. M.

On this motion, Mr. Norment demanded the yeas and nays. The Senate agreed thereto, and the motion prevailed. Yeas 27; Nays 17.

Affirmative—Messrs. Adams, Albright, Barnett, Battle, Brogden, Brown, Cook, Council, Cowles, Crowell, Hawkins, Jones, King, Ledbetter, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Norment, Skinner, Speed, Troy, Waddell, Whitesides and Worth—27.

Negative—Messrs. Bellamy, Currie, Dargan, Edwards, Eppes, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Latham, Lehman, Moore, Olds, Price, Robbins of Davidson and Robbins of Rowan—17.

At 11 o'clock, A. M., the Senate took a recess to sit as a court of impeachment.

The court having adjourned, the Senate was called to order by the Chair.

Bills on their third reading were acted on as follows:

S. B. 552, a bill to be entitled an act authorizing the county commissioners of the county of Tyrrell to levy and collect a special tax. Read and passed third time. Yeas 28; Nays 9.

Affirmative—Messrs. Adams, Albright, Barnett, Battle, Brogden, Council, Cowles, Crowell, Currie, Dargan, Edwards, Fleming, Gilmer, Graham of Orange, Hawkins, Jones, King, Latham, Ledbetter, Linney, Love, Mauney, McCotter, Murphy, Skinner, Speed, Waddell and Worth—28.

Negative—Messrs. Bellamy, Eppes, Hyman, Merrimon, Moore, Norment, Robbins of Davidson, Robbins of Rowan and Whitesides—9.

Ordered to be further engrossed and transmitted to the House of Representatives for concurrence.

S. B. 237, a bill to be entitled an act to authorize the county commissioners of Halifax county to levy a special tax.

Mr. Eppes moved to add following to section 1:

Provided, That the capitation tax levied by this act shall be

taithfully applied as directed by second section of article five of the Constitution.

On motion of Mr. King, the bill and amendment were laid on the table.

S. B. 303, a bill to be entitled an act authorizing the commissioners of Edgecombe county to issue bonds. Laid on the table.

S. B. 324, a bill to be entitled an act to authorize the county commissioners of Stokes county to levy a special tax.

Mr. Gilmer moved to add to section 1 the following:

"And provided further, That in making such levy the equation provided for in the Constitution, between poll and other taxes, shall be observed."

The amendment prevailed, and the bill as amended passed the third time. Yeas 31; Nays 8.

Affirmative—Messrs. Adams, Albright, Battle, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Jones, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Morehead, Murphy, Skinner, Waddell, Whitesides and Worth—31.

Norment, Price, Robbins of Davidson and Robbins of Rowan—8.

S. B. 360, H. B. 219, a bill to be entitled an act to provide for the levying a special tax in the county of Perquimans.

Mr. Skinner moved the following amendment, to come in at end of section 1:

Provided, That a tax equal to the tax levied on three hun dred dollars worth of property, shall be levied on each and every taxable poll in said county.

The amendment prevailed and the bill as amended passed third time. Yeas 32; Nays 7.

Affirmative—Messrs. Adams, Albright, Battle, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Jones, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Morehead, Murphy, Skinner, Speed, Waddell, Whitesides and Worth—32.

Negative—Messrs. Bellamy, Hyman, Merrimon, Moore, Norment, Robbins of Davidson and Robbins of Rowan—7.

S. B. 367, H. B. 249, a bill to be entitled an act to authorize the county commissioners of the counties of Polk and Jackson to levy a special tax. Read and passed thir I time.

Affirmative—Messrs. Adams, Battle, Brogden, Council, Cowles, Currie, Dargan, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Jones, King, Latham, Ledbetter, Linney, Love, Mauney, McClammy, McCotter, Morehead, Murphy, Skinner, Speed, Waddell, Whitesides and Worth—28.

Negative—Messrs. Bellamy, Eppes, Hyman, Merrimon, Moore, Norment, Price, Robbins of Davidson and Robins of Rowan—9.

Unfinished business of preceding days was acted on as follows:

Resolution in relation to leave of absence. Laid on the table.

Resolution in relation to the stenographer. Laid on the table.

S. B. 74, a bill to be entitled an act in relation to the lien of mechanics, and other laborers and material men, upon buildings, lands and articles of personal property, and to repeal certain acts.

The question recurring upon the adoption of the amendment offered by Mr. Brogden, Mr. Brogden demanded the yeas and nays. The Senate agreed thereto, and the amendment did not prevail. Yeas 6; Nays 35.

Affirmative—Messrs. Bellamy, Brogden, Eppes, Hyman, King and McCotter—6.

Negative—Messrs. Adams, Albright, Battle, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Jones, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, Merrimon, Moore, Morehead, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Waddell, Whitesides and Worth—35.

Mr. Linney moved to re-commit the bill to the Committee on the Judiciary.

Mr. Murphy moved to postpone the further consideration of the bill indefinitely.

Upon this motion, Mr. Brogden demanded the yeas and nays. The Senate refused to agree thereto, and the motion to postpone prevailed.

Mr. Gilmer moved to reconsider the vote just taken.

Mr. Robbins, of Rowan, moved to lay that motion on the table.

Upon this question the yeas and nays were demanded. The Senate agreed thereto, and the motion to lay on the table did not prevail. Yeas 19; Nays 21.

Affirmative—Messrs. Bellamy, Brown, Cook, Crowell, Currie, Fleming, Hawkins, Ledbetter, Love, Mauney, Merrimon, Moore, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed and Worth—19.

Negative—Messrs. Adams, Barnett, Brogden, Council, Cowles, Edwards, Eppes, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Latham, Lehman, Linney, McClammy, McCotter, Olds, Waddell and Whitesides—21.

Mr. Edwards called the previous question. The Senate sustained the call.

The question recurring upon the motion to reconsider, the yeas and nays were demanded. The Senate agreed thereto, and the motion to reconsider prevailed. Yeas 29; Nays 15.

Affirmative-Messrs. Adams, Barnett, Battle, Brogden,

Brown, Council, Cowles, Dargan, Edwards, Eppes, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, King, Latham, Lehman, Linney, McClammy, McCotter, Moore, Morehead, Olds, Price, Skinner and Whitesides—29.

Negative—Messrs. Bellamy, Cook, Crowell, Currie, Ledbetter, Love, Mauney, Merrimon, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Speed, Waddell and Worth—15.

The bill was then recommitted to the judiciary committee.

S. R. 501, H. B. 283, a bill to be entitled an act to lay off and establish the county of Lee, on its third reading.

Mr. Speed moved to strike out word Lee wherever it occurs in said bill, and to insert word "Worth" instead thereof.

Mr. Hvman moved to amend the amendment by striking out Worth and inserting "Josiah Turner, jr." The amendment to the amendment did not prevail.

Mr. Robbins, of Davidson, called for a division of the question.

The question recurring upon the motion to strike out, the Senate refused to strike out.

Mr. Robbins, of Rowan, called the previous question The Senate sustained the call, and the main question having been put, the bill did not pass the third time. Yeas 17; Nays 27.

Affirmative—Messrs. Adams, Battle, Crowell, Dargan, Eppes, Fleming, Jones, Ledbetter, Love, Mauney, McClammy, McCotter, Merrimon, Robbins of Rowan, Speed, Whitesides and Worth—17.

Negative—Messrs. Albright, Barnett, Bellamy, Brogden, Brown, Cook, Council, Cowles, Currie, Edwards, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, King, Latham, Lehman, Linney, Moore, Murphy, Norment, Olds, Price, Robbins of Davidson, Skinner and Waddell—27.

Mr. Murphy moved to reconsider the vote by which it was

agreed that when the Senate adjourns it would adjourn until 7½ P. M.

Mr. Love moved that the Senate do now adjourn. The motion did not prevail.

Mr. Edwards moved that when the Senate adjourns it will adjourn until to-morrow morning 10 o'clock.

Upon this motion the yeas and nays were demanded. The Senate agreed thereto, and the motion prevailed. Yeas 25; Nays 17.

Affirmative—Messrs. Barnett, Bellamy, Brown, Cook, Cowles, Dargan, Edwards, Eppes, Fleming, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Latham, Ledbetter, Lehman, Linney, Moore, Murphy, Olds, Price, Robbins of Davidson, Robbins of Rowan, Waddell and Worth—25.

Negative—Messrs. Adams, Albright, Brogden, Council, Crowell, Currie, Gilmer, Jones, King, Love, Mauney, McClammy, McCotter, Merrimon, Norment, Speed and White-sides—17.

On motion of Mr. Price, the Senate then adjourned.

#### EIGHTY-THIRD DAY.

SENATE CHAMBER, March 17th, 1871.

The Senate met pursuant to adjournment.

Journal of yesterday was read.

A message was received from the House of Representatives transmitting

S. B. 322, H. B. 521, with amendment thereto adopted by the House.

On motion the Senate refused to concur in the amendment and ordered a message to be sent to the House asking a committee of conference.

The Committee on the Judiciary reported favorably on

S. B. 553, H. B. 306, a bill to be entitled an act to amend section 199, chapter 4, of the Code of Civil Procedure, concerning attachment with amendments.

Bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By message from the House of Representatives,

H. B. 155, a bill to be entitled an act to amend an act ratified the 10th day of April, 1869, entitled an act to define and punish bribery. To committee on judiciary.

H. R. 239, resolution in favor of G. W. and B. K. Dickey. To committee on claims.

H. B. 336, a bill to be entitled an act to incorporate the Louisburg Manufacturing Company. To committee on corporations.

H. B. 528, a bill to be entitled an act in relation to obstructions in Nottaleh and Hiawassee rivers in Cherokee county. To committee on propositions and grievances.

H. B. 560, a bill to be entitled an act to amend the charter of the town of Salisbury. To committee on corporations.

H. B. 570, a bill to be entitled an act to compel sheriffs to settle the public taxes.

H. B. 578, a bill to be entitled an act to lay out and construct a road in the county of Ashe. To committee on internal improvements.

On motion, the rules were suspended, and H. B. 570, a bill to be entitled an act to compel sheriffs to settle the public taxes, was put on its several readings.

Mr. Brogden moved to amend the bill so that its provisions should not apply to the sheriffs of Wayne and Wilson counties. The amendment did not prevail, and the bill passed the second time.

The bill was then read the third time.

Mr. Edwards moved to amend by striking out word "or" in line 8 and words "or both at the discretion of the court," in ines 9 and 10, of section 1.

The amendment did not prevail, and the bill passed the third time. Yeas 24; Nays 14.

Affirmative—Messrs. Adams, Allen, Barnett, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Gilmer, Graham of Orange, Jones, Latham, Linney, Mauney, McClammy, Moore, Norment, Robbins of Davidson, Robbins of Rowan, Waddell, Whitesides and Worth—24.

Negative—Messrs. Battle, Bellamy, Brogden, Eppes, Fleming, Graham of Alamance, Hyman, King, Love, McCotter, Merrimon, Olds, Skinner and Troy—14.

At 11 A. M., the Senate took a recess to sit as a court of impeachment.

The court having adjourned, the Senate was called to order by the Chair.

The Committee on Enrolled Bills reported as correctly enrolled.

An act requiring sheriffs and coroners to give notice to parties in whose favor they may have process for collection of money;

An act to amend section 9 and 10, chapter 8 of an act in relation to the Western Turnpike Road, &c., passed session 1868-69;

An act to suppress secret political organizations;

An act to repeal certain sections of an act ratified Aug. 17th, 1868, entitled an act to organize the militia in North Carolina;

An act to authorize the county commissioners of Macon county to levy a special tax;

Resolution in favor of the sheriff of Bladen county;

Resolution to publish a certain act;

Resolution in favor of Erasmus D. Haynes, which were duly ratified and transmitted to the Secretary of State

On motion the Senate adjourned until 71 P. M.

# SENATE CHAMBER, 7½ P. M., March 17th, 1871.

The Senate having met pursuant to adjournment, took a recess to sit as a court of impeachment.

The court having adjourned.

The Senate was called to order by the Chair.

And on motion of Mr. McClammy, adjourned.

### EIGHTY-FOURTH DAY.

SENATE CHAMBER, March 18th, 1871.

The Senate met pursuant to adjournment.

Journal of yesterday was read.

Leave of absence was granted to Mr. Morehead for to-day.

Committee on Engrossed Bills reported correctly engrossed, the following:

S. B. 353, a bill to be entitled an act to amend an act to incorporate the McLean Hook and Ladder Company;

S. B. 615, a bill to be entitled an act defining the duties of the Keeper of the Capitol;

Amendments to H. B. 249, S. B. 367;

Amendment to H. B. 219, S. B. 360;

S. B. 306, a bill to be entitled an act in relation to the corporate limits of Thomasville.

Mr. Linney, from Judiciary Committee, reported adversely on S. B. 565, a bill to be entitled an act to amend chapter 47, acts of 1868-'69.

Mr. Whitesides, from Committee on Conference on S. B. 5, H. B. 123, a bill to be entitled an act to repeal an act to extend the corporate limits of the town of Rutherfordton, submitted a report which was concurred in.

Bills were introduced, read and passed first time and referred, or otherwise disposed of, as follows:

By Mr. Olds, a resolution in favor of certain witnesses in the impeachment trial. Laid over.

By Mr. Troy, a bill to be entitled an act to extend the corporate limits of the town of Fayetteville. Referred to committee on corporations.

By Mr. Moore, a bill to be entitled an act supplemental to an act to incorporate Trustees of Mt. Vernon Academy, in Craven county. Placed on calendar.

Mr. Graham, from Judiciary Committee, reported favorably on H. B. 273, S. B. 371.

A message was received from the House of Representatives transmitting H. B. 603, a bill to be entitled an act to change the time of holding the Spring Term of the Superior Court for the county of Martin, for the year 1871, which was read and passed first time.

The rules were suspended and the bill read and passed second and third times. Yeas 33; Nays 1.

Affirmative—Messrs. Adams, Albright, Allen, Bellamy, Brown, Cook, Council Cowles, Currie, Dargan, Edwards, Eppes, Fleming, Graham of Alamance, Graham of Orange, Hyman, King, Latham, Ledbetter, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Norment, Price, Robbins of Davidson, Robbins of Rowan, Waddell, Whitesides and Worth—33.

Negative—Mr. Brogden.—1.

On motion of Mr. Graham, of Orange, S. B. 89, was made special order for  $7\frac{1}{2}$  P. M., Monday, 20th instant, and the amendment thereto ordered to be printed.

Mr. Robbins, from Committee on Internal Improvements, reported favorably on the following:

S. B. 652, H. B. 518, a bill to be entitled an act to lay out and construct a road in the county of Ashe;

S. B. 620, H. B. 549, a bill to be entitled an act to construct a railroad from Kinston to Kernersville.

On motion of Mr. Love, H. B. 273, S. B. 371, a bill to be enti-

tled an act amendatory of an act in relation to burnt records in the county of Clay, was read and passed its several readings. Yeas 37; Nays none.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Fleming, Gilmer, Graham of Alamence, Hawkins, King, Latham, Ledbetter, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Norment, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whitesides and Worth—37.

Negative-None.

The following bills were introduced, read and passed first time and referred, or otherwise disposed of, as follows:

By Mr. Whitesides, a bill to be entitled an act to provide for issuing new grants to owners of land. Referred to judiciary committee.

By Mr. McClammy, a bill to be entitled an act to incorporate the First Co operative Store of the city of Wilmington. Referred to committee on corporations.

By Mr. Cowles, resolution relative to the penitentiary, which lies over.

By message from the House of Representatives:

H. B. 586, a bill to be entitled an act to incorporate the Statesville Air Line Railroad Company. Placed on the calendar.

H. B. 562, a bill to be entitled an act authorizing the county commissioners of Hertford to levy a special tax, &c. Placed on the calendar.

A message was received from the House of Representatives transmitting engrossed amendment to S. B. 142, H. B. 571, a bill to be entitled an act in relation to the Western Turnpike road. The amendment was concurred in.

S. B. 470, a bill to be entitled an act to authorize the commissioners of Cabarrus to levy a special tax, was read third time and passed. Yeas 29; Nays 1.

Affirmative-Messrs. Adams, Albright, Battle, Brogden.

Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Fleming, Gilmer, Graham of Alamance, Hawkins, Jones, King, Linney, Love, Mauney, McClammy, Price, Robbins of Davidson, Skinner, Troy, Waddell, Whitesides and Worth—29.

Negative-Mr. Robbins of Rowan-1.

A message was sent to the House of Representatives informing that body that the Senate had passed S. B. 306, a bill to be entitled an act in relation to the corporate limits of Thomasville;

S. B. 353, a bill to be entitled an act to amend an act to incorporate the McLean Hook and Ladder Company;

S. B. 615, a bill to be entitled an act defining the duties of the Keeper of the Capitol, returning H. B. 249, S. B. 367, a bill to be entitled an act to authorize the county commissioners of Polk and Jackson to levy a special tax;

And H. B. 219, S. B. 360, a bill to be entitled an act to provide for the levying of a special tax in the county of Perquimans, with the engrossed amendments of the Senate thereto, and asking the concurrence of the House therein.

And informing the House that the Senate refused to concur in the House amendment to S. B. 322, H. B. 521, to incorporate the Bank of Eastern North Carolina, and asking for a committee of conference;

And that the Senate had concurred in the House amendment to S. B. 142, H. B. 571, a bill to be entitled an act in relation to the Western Turnpike Road;

And transmitting H. B. 123, S. B. 5, a bill to be entitled an act to repeal an act entitled an act to extend the corporate limits of the town of Rutherfordton, with the concurrence of the Senate to the report of the committee of conference.

Mr. Troy introduced a joint resolution to adjourn. Which lies over.

Unfinished business, H. R. 258, S. R. 580, instructing the Public Treasurer to employ council, &c., was read and laid on table.

Mr. Olds introduced a bill to be entitled an act amending chapter 270, laws of 1868-'69, which passed first reading, and was referred to the judiciary committee.

At 11 A. M., the Senate took a recess to sit as a court of impeachment.

The court having adjourned, the Senate was called to order by the Chair.

Mr. Robbins, of Davidson, from Committee on Enrolled

Bills, reported as correctly enrolled, the following:

An act to change the time of holding the Spring Term of the Superior Court for the county of Martin, for the year 1871, which was duly ratified and transmitted to the office of the Secretary of State.

Upon motion of Mr. Jones, the Senate adjourned to  $3\frac{1}{2}$  P. M.

### SENATE CHAMBER, 3½ P. M., March 18th, 1871.

The Senate having met pursuant to adjournment, took a recess to sit as a court of impeachment.

The court having adjourned, the Senate was called to order by the Chair.

And on motion of Mr. Latham, adjourned.

### EIGHTY-FIFTH DAY.

SENATE CHAMBER, March 20th, 1871.

The Senate met pursuant to adjournment.

Journal of yesterday was read.

The Communities on Corporations reported favorably on S. B. 587, H. B. 554, a bill to be entitled an act to authorize the

Albemarle Swamp Land Company to construct a Railrod from Pantego to Indian river, in Beaufort county;

S. B. 588, H. B. 547, a bill to be entitled an act to incorporate the Oxford and Henderson Railroad Company;

S. B. 590, H. B. 499, a bill to be entitled an act to incorporate the town of Murphy in Cherokee county;

S. B. 591, H. B. 545, a bill to be entitled an act to incorporate the town of Carey;

S. B. 592, H. B. 337, a bill to be entitled an act to incorporate the Newtonian Society at Rutherford College, Burke county, North Carolina;

S. B. 593, H. B. 514, a bill to be entitled an act to incorporate the Waynesville Academy Association;

S. B. 594, H. B. 428, a bill to be entitled an act to fix the apital stock of the Fairfield Canal and Turnpike Company;

S. B. 611, a bill to be entitled an act to amend the charter of the town of Edenton, in the county of Chowan;

S. B. 619, a bill to be entitled an act to incorporate the town of Whitakers, in the county of Edgecombe;

S. B. 589, H. B. 505, a bill to be entitled an act to incorpoate the Wilmington and Charlotte Ocean Steamship Company, and for other purposes, with accompanying amendment;

S. B. 614, a bill to be entitled an act to amend the charter and for the better regulation of the town of Concord, in the ounty of Cabarrus.

The Committee on the Judiciary reported favorably on

S.B. 595, H.B. 246, a bill to be entitled an act to amend ection 8 and section 29, of chapter 3, of an act entitled an act f proceedings in criminal cases, laws of 1868-'69;

S. B. 596, H. B. 79, a bill to be entitled an act for extending ne powers of the county commissioners of Richmond county;

S. B 599, H. B. 312, a bill to be entitled an act to change the time of holding the Superior Courts of New Hanover punty;

S. B. 600, H. B. 339, a bill to be entitled an act concerning onstables;

S. B. 567, a bill to be entitled an act to prevent the useless employment of legal counsellors, with amendment.

The Committee on Internal Improvements reported favorably on S. B. 419, H. B. 36, a bill to be entitled an act to incorporate the Spartanburg, Columbus and Rutherford Railroad Company, with accompanying amendment.

Mr. Latham presented a memorial from G. D. Brice, which was read and referred to the committee on propositions and

grievances.

Mr. Robbins, of Rowan, presented a communication from his Excellency the Governor of South Carolina, in response to the Committee on Internal Improvements in relation to a canal from Waccamaw to Little river in South Carolina which was read.

The Committee on Education and Literary Board reported back S. B. 198, a bill to be entitled an act to require the State Treasurer to refund to the Treasurer of Edgecombe county, the funds collected for schools, and asked to be discharged from its further consideration. The committee was discharged.

Mr. Gilmer, from same Committee, reported a substitute for S. B. 68, a bill to be entitled an act to amend section 52 of an act entitled an act to provide for a system of Public Instruction, recommitted on its third reading to said Committee, the consideration of which was made special order for to morrow morning at  $10\frac{1}{2}$  o'clock.

Mr. Murphy introduced a resolution re-appointing Doctor George W. Blacknall as a member of the Board of Public Charities, which was read and laid over under the rules.

On motion of Mr. Edwards, the reports of the majority and minority of the Committee of Conference on S. B. 25, a a bill to be entitled an act to change the line between the counties of Edgecombe and Nash, were taken from the table and ordered to be transmitted to the House of Representatives.

Mr. Moore introduced a bill to be entitled an act supple

htal to an act to incorporate the Trustees of Mount Vernon idemy, on Bay river, in Craven county, which was read and sed first time.

on motion of Mr. Moore, the rules were suspended and the passed the second and third times. Yeas 36; Nays none. Affirmitive—Messrs. Adams, Albright, Allen, Barnett, Bat-Beasley, Brogden, Council, Cowles, Crowell, Currie, Edds, Fleming, Graham of Alamance, Graham of Orange, wkins, Hyman, King, Latham, Ledbetter, Linney, Love, uney, McClammy, McCotter, Merrimon, Moore, Morehead, rphy, Norment, Robbins of Davidson, Skinner, Speed, by, Waddell and Worth—36

Vegative-None.

ordered to be forthwith engrossed and transmitted to the use of Representatives, which was accordingly done.

The Committee on Engrossed Bills reported as correctly enseed,

3. B. 324, a bill to be entititled an act to authorize the county nmissioners of Stokes to levy a specil tax;

3. B. 552, a bill to be entitled an act to empower commisaers of Tyrrell to levy a special tax.

On motion of Mr. Speed, the rules were suspended and S. 378, a bill to be entitled an act for the promotion of immition and the settlement of the unimproved lands of this te, was taken from the calendar and put on its several read-

Mr. Brogden moved to strike out words "Wilmington and eldon Railroad Company," wherever same occurs in said

The motion did not prevail, and the bill passed the second d third times. Yeas 37; Nays 4.

Affirmative—Messrs. Adams, Albright, Allen, Barnett, Battle, asley, Brown, Cook, Council, Cowles, Crowell, Currie, Edrds, Fleming, Gilmer, Graham of Alamance, Graham of ange, Hawkins, Jones, Latham, Ledbetter, Love, Mauney,

Clammy, McCotter, Merrimon, Morehead, Murphy, Nor-

ment, Olds, Robbins of Davidson, Robbins of Rowan, Sk ner, Speed, Waddell, Whitesides and Worth—37.

Negative—Messrs. Brogden, Hyman, Linney and Price—The hour for its consideration having arrived, the spec order, S. R. 586, resolution, concerning the centennial anniv sary of American independence, was taken up and made spec order for to-morrow morning at 10½ o'clock.

On motion of Mr. Allen, S. B. 560, H. B. 564, a bill to entitled an act to construct a Railroad from Kenansville, Duplin county, to Clinton, in Sampson county, was tak from the calendar under a suspension of the rules, and pass the second time. Yeas 32; Nays 2.

Affirmative—Messrs. Adams, Allen, Barnett, Battle, Brden, Brown, Cook, Council, Cowles, Currie, Edwards, Gilm Graham of Alamance, Graham of Orange, Hawkins, Hyms Latham, Ledbetter, Linney, Love, Mauney, McClammy, McCotter, Morehead, Murphy, Norment, Price, Robbins of Davson, Robbins of Rowan, Skinner, Speed and Worth—32.

Negative—Messrs. Beasley and Waddell—2.

At 11 A. M. the Senate took a recess to sit as a court of i peachment.

The court having taken a recess, the Senate was called order by the Chair.

Mr. Troy introduced the following resolution.

with the will medient from the the

Resolved, That the Senate will have daily evening session except on Saturdays, during the remainder of this session, comencing at 7½ P. M.

Pending the consideration of which, the Senate adjourn until 7½ P. M.

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# SENATE CHAMBER, 72 P. M., March 20th, 1871.

The Senate having met pursuant to adjournment, took a ses to sit as a court of impeachment.

he court having adjourned, the Senate adjourned until 10 bck to-morrow morning.

#### EIGHTY-SIXTH DAY.

SENATE CHAMBER, March 21st, 1871.

he Senate met pursuant to adjournment.

ournal of yesterday was read.

he Committee on Propositions and Grievances reported rably on

B. 613, a bill to be entitled an act to amend chapter 258, ne private laws of 1858-'59.

he Committee on Agriculture, Mining, &c., reported rably on

B. 554, H. B. 460, a bill to be entitled an act to charter Culsagee Corundum Mining and Manufacturing Com-

he Committee on Corporations reported favorably on

B. 637, a bill to be entitled an act to extend the corpolimits of the town of Fayetteville and for other purposes. ills, &c., were introduced, read and passed first time, and red or otherwise disposed of, as follows:

y Mr. Latham, a bill to be entitled an act to incorporate Land Improvement Company of North Carolina. To mittee on corporations.

y Mr. Eppes, a bill to be entitled an act in favor of poor ws. To judiciary committee.

By Mr. Gilmer, resolution in favor of T. Jones. To comittee on claims.

By Mr. McClammy, a bill to be entitled an act to incorrate Wilmington and Smithville Steamboat Company. committee on corporations.

By message from the House of Representatives:

H. B. 269, a bill to be entitled an act to charter the Sta ville and Mt. Airy Turnpike Road. To committee on interimprovements.

H. R. 272, resolution concerning publication of an ac General Assembly. Read and laid over under the rules.

H. B. 461, a bill to be entitled an act to amend chapter of the public laws of North Carolina, passed at the session the General Assembly of North Carolina of 1869-'70. judiciary committee.

H. B. 463, a bill to be entitled an act to incorporate North Carolina Stock Raising and Fishing Company. committee on corporations.

H. B. 519, a bill to be entitled an act to amend sect 266, 268, 269, 270 and 271, Code of Civil Procedure. To j cary committee.

H. B. 540, a bill to be entitled an act to incorporate Relican Star Lodge No. 1384, G. U. O. of O. F., Elizabeth (To committee on corporations.

H. B. 563, a bill to be entitled an act to charter the New and Washington Railroad Company. To committee on in nal improvements.

H. B. 576, a bill to be entitled an act to lay out and struct a road through Wilkes and Catawba counties. To mittee on internal improvements.

H. B. 593, a bill to be entitled an act to re-enact an a relation to the Plank Road leading from High Point to Sa To committee on internal improvements.

Mr. Robbins, of Rowan, introduced a resolution instruction instruction in the judiciary committee, which was read and adopted.

Mr. Troy moved that when the Senate adjourns it will adjourn until 7½ P. M. The motion prevailed.

S. R. 586, resolution concerning the centennial anniversary of American Independence, special order for  $10\frac{1}{2}$  A. M., was made special order for  $10\frac{1}{2}$  A. M., Thursday, 23d March.

On motion of Mr. Troy, the rules were suspended, and the resolution offered by him on yesterday providing for night sessions, was taken up.

Mr. McClammy moved to amend by adding the following:

Resolved further, That the evening sessions of the Senate ion Tuesdays and Thursdays shall be devoted to the consideration of the private calendar, unless when interrupted by special orders heretofore made, and that no Senator shall be allowed to speak longer than five minutes on any one subject, unless by consent of two-thirds of the Senators present.

The amendment prevailed, and the resolution as amended, was adopted.

On motion of Mr. Edwards, the rules were suspended, and S. R. 333, resolution in favor of William A. Bradsher, was attaken up.

The amendment in the nature of a substitute, offered by Committee on Privileges and Elections, was adopted, and the resolution as amended, passed the second and third times. Yeas 26: Nays 7.

Affirmative—Messrs. Allen, Brown, Council, Cowles, Currie, Edwards, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Latham, Ledbetter, Linney, Love, Mauney, McClammy, Morehead, Murphy, Norment, Skinner, Speed, Troy, Waddell, Whitesides and Worth—26.

Negative—Messrs. Adams, Barnett, Bellamy, Brogden, King, Merrimon and Robbins of Davidson—7.

Under a suspension of the rules, bills were acted on as follows:

S. B. 223, a bill to be entitled an act in relation to justices of the peace and constables.

The amendment in the nature of a substitute offered by the Judiciary Committee, prevailed, and the bill passed the second time.

The bill was then read the third time.

Mr. Cowles moved to strike out one thousand in section one and insert five hundred.

Upon this motion Mr. Hyman demanded the yeas and nays. The Senate agreed thereto, and the motion did not prevail. Yeas 17; Nays 27.

Affirmative—Messrs. Barnett, Battle, Beasley, Bellamy, Brogden, Brown, Cook, Council, Cowles, Eppes, Fleming, Hawkins, Hyman, King, McCotter, Speed and Worth—17.

Negative—Messrs. Adams, Albright, Allen, Crowell, Currie, Edwards, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Whitesides—27.

Mr. Cook moved to amend by adding following to section 1:

Provided, however, That all magistrates elected by the qualified voters of his township shall be allowed to act in all criminal cases without giving bond and security.

Mr. Troy called the previous question. The Senate sustained the call.

The question recurring on Mr. Cook's amendment, Mr. Hyman demanded the yeas and nays. The Senate agreed thereto, and the amendment did not prevail. Yeas 16; Nays 28.

Affirmative—Messrs. Barnett, Beasley, Bellamy, Brogden, Cook, Cowles, Eppes, Fleming, Gilmer, Hyman, King, Latham, McCotter, Olds, Price and Speed—16.

Negative-Messrs. Adams, Albright, Allen, Battle, Brown,

Council, Crowell, Currie, Edwards, Graham of Alamance, Graham of Orange, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whitesides and Worth—28.

The bill then passed the third time. Yeas 25; Nays 20.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Brown, Council, Crowell, Currie, Edwards, Graham of Orange, Jones, Latham, Ledbetter, Linney, Love, McClammy, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell and Whitesides—25.

Negative—Mcssrs. Barnett, Beasley, Bellamy, Brogden, Cook, Cowles, Eppes, Fleming, Gilmer, Graham of Alamance, Hawkins, Hyman, King, Lehman, Mauney, McCotter, Merrimon, Olds, Price and Worth—20.

S. R. 633, resolution in favor of certain witnesses in the impeachment trial.

Mr. Worth offered following as an amendment: Provided no other witnesses shall be added to the number.

Mr. Fleming moved to lay the resolution on the table. The motion prevailed.

At 11 A. M. the Senate took a recess to sit as a court of impeachment.

The court having adjourned, the Senate was called to order by the Chair.

The time for its consideration having arrived, the special order, to wit: S. B. 68, a bill to be entitled an act to amend section 52 of an act entitled an act to provide for a system of public instruction, was taken up.

The substitute offered by the Committee on Education and Literary Board for the bill on its third reading, was adopted.

Mr. Gilmer moved to add to section 5, the following:

The county commissioners shall, from time to time, if necessary, require the county treasurer to give sufficient and good security by additional bond or bonds, so as to secure the faith-

ul administration of the said school fund, and in default so to do, the said commissioners shall be guilty of a misdemeanor, and upon conviction before the Superior Court, shall be fined not less than three hundred dollars nor more than one thousand dollars.

The amendment prevailed.

Mr. Gilmer moved to insert in 6th section, at end of line 16, the following:

And who shall also produce the certificate of the chairman of the board of the commissioners, whose signature shall be certified to by the Clerk of the Superior Court, setting forth that the bond of the county treasurer has been and adjudged sufficient.

The amendment prevailed.

Mr. Love called the previous question. The Senate sustained the call.

The bill then passed the third time. Yeas 37; Nays 3.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Beasley, Brogden, Cook, Council, Cowles, Crowell, Currie, Edwards, Fleming, Gilmer, Graham of Alamance, Hawkins, Jones, King, Latham, Ledbetter, Linney, Love, Mauney, McClammy, McCotter, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Whitesides and Worth—37.

Negative-Messrs. Lehman, Merrimon and Olds-3.

Mr. Price moved that the Senate do now adjourn.

The motion did not prevail.

Mr. Love moved to suspend the rules and take up S. B. 556, H. B. 495, a bill to be entitled an act supplemental to an act rassed at the present General Assembly, entitled an act to lay off and establish a county by the name of Swain, and on this motion demanded the yeas and nays. The Senate agreed thereto, and the motion prevailed. Yeas 34; Nays 4.

Affirmative—Messrs. Adams, Albright, Allen, Brogden, Council, Cowles, Crowell, Eppes, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Price, Robbins of Rowan, Skinner, Speed, Troy, Waddell and Worth—34.

Negative—Messrs. Battle, Cook, Robbins of Davidson and Whitesides—4.

The bill was then read and passed second time, and made special order for 8 o'clock, P. M., Friday, 24th March.

S. B. 560, H. B. 464, a bill to be entitled an act to construct a railroad from Kenansville, in Duplin county, to Clinton, in Sampson county. Read and passed third time. Yeas 33; Nays none.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Brogden, Council, Cowles, Crowell, Edwards, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, Latham, Ledbetter, Lehman, Linney, Love, McClammy, Morehead, Murphy, Norment, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whitesides and Worth—33.

Negative-None.

S. B. 637, a bill to be entitled an act to extend the corporate limits of the town of Fayetteville, and for other purposes. Read and passed second and third times. Yeas 35; Nays 2.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Brogden, Council, Cowles, Crowell, Edwards, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Jones, King, Latham, Ledbetter, Lehman, Linney, Love, McClammy, McCotter, Morehead, Murphy, Norment, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell Whitesides and Worth—35.

Negative—Messrs. Eppes and Hyman—2.

The Committee on Engrossed Bills reported as correctly engrossed,

S. B. 324, a bill to be entitled an act to authorize the county commissioners of Stokes county to levy a special tax;

S. B. 470, a bill to be entitled an act to authorize the commissioners of Cabarrus county to levy a special tax;

S. B. 552, a bill to be entitled an act to empower commissioners of Tyrrell to levy a special tax;

Which were transmitted to the House of Representatives for concurrence.

The Committee on Enrolled Bills reported as correctly enrolled,

An act to repeal an act entitled an act to extend the corporate limits of the town of Rutherfordton;

An act to authorize the county commissioners of the counties of Polk and Jackson to levy a special tax;

An act to charter the Catawba Valley Railroad;

An act to amend the charter of the town of Warrenton;

An act to amend chapter 160, laws of 1868-'69;

An act amendatory of an act entitled an act to establish burnt records, &c., in the county of Clay;

An act in relation to fees of county officers and the Supreme Court Clerk;

An act making an appropriation for the Deat, Dumb and Blind Asylum;

An act to incorporate the People's Building and Loan Association of Asheville;

An act to compel sheriffs to settle the public taxes;

An act relative to the Western Turnpike Road;

Resolution in favor of Wm. W. and Daniel M. Watts;

An act to provide for the levying of a special tax in the county of Perquimans, which were duly ratified and transmitted to the Secretary of State.

The Senate then adjourned.

# SENATE CHAMBER, 7½ P. M., March 21st, 1871.

The Senate met pursuant to adjournment.

Mr. Merrimon introduced a bill to be entitled an act to repeal an act entitled an act to amend the charter of the Wes tern North Carolina Railroad Company, ratified 19th day of August, A. D. 1868, and for other purposes, which was read and passed first time, and referred to committee on internal improvements.

The calendar of private bills on second reading was then taken up, and bills acted on as follows:

- S. B. 198, a bill to be entitled an act to require the State Treasurer to refund to the Treasurer of Edgecombe the funds collected for schools. Laid on table.
- S. B. 284, a bill to be entitled an act in favor of the executors of the late Governor Worth. Laid on table.
- S. B. 386, H. B. 308, a bill to be entitled an act in favor of Wm. A. Philpot, sheriff of Granville county. Laid on the table.
- S. B. 410, a bill to be entitled an act to prevent fishing with purse nets. Laid on the table.
- S. B. 391, H. B. 268, a bill to be entitled an act to authorize the commissioners of Chowan county to levy a special tax. Laid on the table.
- S. B. 416, a bill to be entitled an act to authorize the legal representatives of Logan H. Lowrance, late sheriff of Lincoln county to collect arrears of taxes. Laid on the table.
- S. B. 425, a bill to be entitled an act to amend an act to incorporate the Bank of Mecklenburg.
- Mr. Gilmer moved to amend by inserting after words "good and effectual in law" in section 3, the following:

Provided, The same is duly recorded under the existing laws of registration anterior to all other liens and mortgages.

Mr. Merrimon called the previous question. The Senate sustained the call.

The question recurring upon the adoption of the amendment, the amendment prevailed.

The question next recurring upon the passage of the bill as amended the third time, the bill did not pass. Yeas 20; Nays 21.

Affirmative—Messrs. Council, Crowell, Edwards, Fleming, Gilmer, Graham, of Alamance, Hawkins, Jones, Latham, Ledbetter, Lehman, Linney, Mauney, Merrimon, Morehead, Olds, Skinner, Speed and Troy—20.

Negative—Messrs. Adams, Albright, Allen, Battle, Beasley, Bellamy, Brogden, Brown, Cook, Cowles, Currie, Hyman, King, McClammy, McCotter, Murphy, Price, Robbins of Davidson, Robbins of Rowan, Waddell and Worth—21.

Mr. Allen moved to reconsider vote just taken, and to make the further consideration of the motion special order for 7½ P. M., Friday, 24th March. The latter motion prevailed.

S. B. 422, H. B. 328, a bill to be entitled an act to incorporate the Fair of the Carolinas at Charlotte. Read and passed second and third times. Yeas 36; Nays none.

Affirmative—Messrs. Albright, Allen, Battle, Beasley, Bellamy, Brogden, Brown, Council, Cowles, Crowell, Currie, Edwards, Eppes, Fleming, Gilmer, Graham of Alamance, Hyman, Jones, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Worth—36.

Negative-None.

S. B. 423, H. B. 331, a bill to be entitled an act to amend chapter 66 of public laws of 1869-'70, to construct a road-through the counties of Ashe and Alleghany. Read and passed second and third times. Yeas 37; Nays 2.

Affirmative—Messrs. Adams, Albright, Beasley, Brown, Cook, Council, Crowell, Currie, Edwards, Flemings, Gilmer, Graham of Alamance, Hawkins, Hyman, Jones, King, Latham, Ledbetter,

Lehman, Linney, Love, Mauney, McClammy, McCotter, Moore, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell and Worth—37.

Negative—Messrs. Brogden and Eppes—2.

S. B. 422, a bill to lay out and construct a public road from the town of Sparta, in Alleghany county, to the Virginia line. Read and passed second and third times. Yeas 36; Nays 2.

Affirmative—Messrs. Adams, Albright, Battle, Brown, Cook, Council, Cowles, Crowell, Currie, Edwards, Fleming, Gilmer, Graham of Alamance, Hawkins, Hyman, Jones, Latham, Ledbetter, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell and Worth—36.

Negative—Messrs. Beasley and Brogden —2.

S. B. 426, H. B. 351, a bill to be entitled an act to legalize certain acts of commissioners of Mitchell county.

Mr. Fleming moved to add following to section 1:

Provided, The present board of commissioners shall unanimously agree thereto.

The amendment prevailed, and the bill passed the second and third times. Yeas 32; Nays 1.

Affirmative—Messrs. Adams, Albright, Battle, Beasley, Brogden, Brown, Cook, Council, Cowles, Crowel', Currie, Edwards, Fleming, Gilmer, Graham of Alamance, Hyman, King, Latham, Ledbetter, Linney, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Worth—32.

Negative—Mr. Lehman—1.

S. B. 426, H. B. 364, a bill to be entitled an act to repeal an act to declare the Broad French Broad and Jones' Gap Road a turnpike. Laid on table.

S. B. 436, a bill to be entitled an act to prevent the sale of

spirituous liquors within two miles or less of Point Caswell, in the county of New Hanover. Read and passed second and third times. Yeas 29; Nays 5.

Affirmative—Messrs. Adams, Albright, Beasley, Brogden, Brown, Council, Currie, Edwards, Fleming, Gilmer, Graham of Alamance, Latham, Ledbetter, Lehman, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Skinner, Speed, Troy, Waddell and Worth—29.

Negative—Messrs. Bellamy, Cowles, Hyman, King, and Linney—5.

S. B. 437, H. B. 363, a bill to be entitled an act to make the French Broad river a lawful fence in Transylvania. Laid on table.

S. B. 438, H. B. 74, a bill to be entitled an act to amend the charter of the Wilmington Hook and Ladder Company. Read and passed second and third times. Yeas 40; Nays none.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Beasley, Bellamy, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Edwards, Fleming, Gilmer, Graham of Alamance, Hyman, Jones, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Worth—40.

Negative—None.

S. B. 439, H. B. 247, a bill to be entitled an act to incorporate the Trustees of Blue Ridge Academy. Read and passed second and third times. Yeas 38; Nays none.

Affirmative—Messrs. Adams, Albright, Battle, Beasley, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Edwards, Fleming, Gilmer, Graham of Alamance, Hyman, Jones, King, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Worth—38.

Negative-None.

S. B. 449, H. B. 276, a bill to be entitled an act to lay out and construct a road through the county of Ashe. Read and passed second and third times. Yeas 27; Nays 6.

Affirmative—Messrs. Cook, Council, Cowles, Currie, Edwards, Fleming, Gilmer, Graham of Alamance, Jones, Latham, Ledbetter, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Price, Robbins of Davidson, Skinner, Speed, Troy, Waddell and Worth—27.

Negative—Messrs. Adams, Albright, Beasley, Brogden, Brown and King—6.

Mr. Price, moved that the Senatedo now adjourn. The motion did not prevail.

S. B. 443, a bill to be entitled an act to authorize the commissioners of Nash county to lay a special tax.

The question recurring on the amendment offered by the Committee on Propositions and Grievances, it did not prevail.

Mr. Graham, of Alamance, moved to amend by adding following to section 1:

Provided, That the same amount shall be levied on each taxable poll as is levied on \$300 worth of property.

The amendment prevailed, and the bill as amended passed the second time. Yeas 28; Nays 10.

Affirmative—Messrs. Adams, Albright, Battle, Brown, Cook, Council, Cowles, Currie, Edwards, Fleming, Gilmer, Graham of Alamance, Jones, Latham, Ledbetter, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Price, Skinner, Speed, Troy, Waddell and Worth—28.

Negative—Messrs. Beasley, Bellamy, Brogden, Hyman, King, McCotter, Norment, Olds, Robbins of Davidson, and Robbins of Rowan—10.

Mr. Murphy moved that the Senate do now adjourn.

Upon this motion, the yeas and nays were demanded. The Son ite agreed thereto, and the motion did not prevail. Yeas 9; Nays 26.

Affirmative—Messrs. Beasley, Jones, King, Merrimon, Murphy, Norment, Olds, Robbins of Davidson and Robbins of Rowan—9.

Negative—Messrs. Adams, Albright, Battle, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Edwards, Fleming, Gilmer, Graham of Alamance, Latham, Ledbetter, Linney, Love, Mauney, McClammy, Morehead, Skinner, Speed, Troy, Waddell and Worth—26.

Mr. Troy moved to suspend the rule requiring the yeas and nays to be taken on the third reading of private bills, unless the same shall be required by the Constitution or demanded by a Senator. The motion prevailed.

S. B. 446, a bill to be entitled an act to authorize the commissioners of Johnston county to issue bonds for the purpose of funding and paying off the county debts.

The amendments offered by the Committee on Propositions and Grievances were adopted, and the bill as amended passed the second time. Yeas 24; Nays 9.

Affirmative—Messrs. Adams, Allen, Battle, Council, Crowell, Edwards, Fleming, Gilmer, Graham of Alamance, Jones, Latham, Ledbetter, Linney, Love, Mauney, McClammy, Merrimon; Morehead, Murphy, Skinner, Speed, Troy, Waddell and Worth—24.

Negative—Messrs. Beasley, Brogden, Hyman, King, Mc-Cotter, Norment, Olds, Robbins of Davidson and Robbins of Rowan—9.

Mr. Robbins, of Rowan, moved that the Senate do now adjourn. The motion did not prevail.

S. B. 448, a bill to be entitled an act to repeal an act entitled an act to prevent the sale of spirituous liquors in three miles of Silver Hill, Davidson county. Read and passed second and third times.

On motion of Mr. Allen, the Senate adjourned until tomorrow morning 10 o'clock.

#### EIGHTY-SEVENTH DAY.

SENATE CHAMBER, March 22d, 1871.

The Senate met pursuant to adjournment.

Journal of yesterday was read.

Leave of absence from Friday morning to Monday evening, was granted to Messrs. Allen and Speed; to Mr. Albright unil Monday; to Mr. Ledbetter indefinitely on account of sickness, and to Mr. Flythe for one week longer.

The Committee on Corporations reported favorably on

S. B. 622, H. B. 536, a bill to be entitled an act to incorporate the Louisburg Manufacturing Company;

S. B. 623, H. B. 560, a bill to be entitled an act to amend he charter of the town of Salisbury.

The Committee on Propositions and Grievances reported avorably on,

- S. B. 608, H. B. 368, a bill to be entitled an act concerning the election of Commissioners of Navigation and Pilotage for or the port of Beautort, N. C;
- S. B. 604, H. B. 11, a bill to be entitled an act concerning the annexation of a portion of Caldwell county to the county of Watauga:
- S. B. 605, H. B. 419, a bill to be entitled an act to prevent he felling of trees in Carraway creek, Randolph county;
- S. B. 624, H. B. 528, a bill to be entitled an act in relation obstructions in Nottaleh and Hiawassee rivers, in Cherokee county;
- S. B. 602, H. B. 536, a bill to be entitled an act to authorize the commissioners of Harnett to levy a special tax, and for other purposes, with amendment;
- S. B. 607, H. B. 376, a bill to be entitled an act to authorize the county commissioners of Mitchell county to levy a special tax, with amendment;
  - S. B. 581, H. B. 200, a bill to be entitled an act to authorize

the county commissioners of Bladen county to levy a special tax, with amendment;

S. B. 601, H. B. 559, a bill to be entitled an act authorizing the county commissioners of Onslow to levy a special tax, with amendment;

S. B. 606, H. B. 258, a bill to be entitled an act requiring notice of any proposed application to the General Assembly, for a change of county lines, with amendment;

S. B. 603, H. B. 517, a bill to be entitled an act to extend the time of George Nicks, former sheriff of Yadkin, and others' to settle with their county treasurer, with amendment.

And unfavorably upon

S. R. 534, H. R. 239, resolution in favor of A. S. Hill, sheriff of Cherokee county.

The following bills were introduced, read and passed first time, and referred or otherwise disposed of, as follows:

By Mr. McClammy, a bill to be entitled an act for the protection of stock raising. To committee on judiciary.

By Mr. Speed, a bill to be entitled an act to incorporate the Pioneer Manufacturing Company. To committee on corporations.

A message was received from the House of Representatives informing the Senate that the House would attend upon the court of impeachment to-day, at 11 A. M.

Under a suspension of the rules, bills were acted on, as follows:

S. B. 513, a bill to be entitled an act to incorporate the Fairmount Foundry Company, in the county of Chatham. Read and passed second and third times.

S. B. 588, H. B. 547, a bill to be entitled an act to incorporate the Oxford and Henderson Railroad Company. Read and passed second and third times.

S. B. 603, H. B. 517, a bill to be entitled an act to extend the time of George Nicks, former sheriff of Yadkin, and others, to settle with their county treasurers. Read the second time.

The amendment proposed by the Committee on Propositions and Grievances, was adopted.

Mr. Cook moved to insert the words "and J. T. Ferguson, sheriff of Wilkes," after words "Clay county," in section 1.

The motion prevailed, and the bill as amended passed the second and third times.

The rule requiring the taking of the yeas and nays on the third reading having been suspended, as to bills on the private calendar, unless required by the Constitution or demanded by a Senator, Mr. Graham, of Orange, asked and obtained leave to have his dissent from the bill just passed entered upon the journal.

The Committee on Engrossed Bills reported as correctly engrossed, S. B. 378, a bill to be entitled an act for the promotion of Immigration and the settlement of the unimproved lands of the State.

At 11 A. M., the Senate took a recess to sit as a court of impeachment.

The court having adjourned, the Senate was called to order by the Chair.

The Senate then, on motion, adjourned until 7½ P. M.

# SENATE CHAMBER, 7½ P. M., March 22d, 1871.

The Senate met pursuant to adjournment.

The consideration of S. B. 415, H. B. 311, a bill to be entitled an act to limit the powers of township trustees in Cherokee, Clay and other counties, special order for this hour, was postponed and made special order tor 10½ A. M., to-morrow.

On motion of Mr. Allen, the rules were suspended and S. R. 546, resolution concerning the recent action of the Governor, Chief Justice and certain Associate Justices of the Supreme Court. After some discussion,

Mr. Edwards moved to make the further consideration of the resolution the special order for 8 P. M., on Friday.

Mr. Olds moved to amend by making it special order for 101 A. M., to-morrow.

Mr. Speed moved to make it special order for  $7\frac{1}{2}$  P. M., Tuesday. The motion did not previal.

Mr. Edwards called the previous question. The Senate sustained the call.

The question recurring upon the adoption of the resolution, Mr. Olds called for a division of the question.

The Chair having decided the question to be divisible,

Mr. Olds moved that the vote be taken on the resolution seriatim. The motion did not prevail.

The question again recurring on the adoption of the resolution, Mr. Lehman demanded the yeas and nays. The Senate agreed thereto, and the resolutions were adopted. Yeas 26; Nays 11.

Affirmative—Messrs. Adams, Allen, Battle, Brown, Cook, Council, Crowell, Currie, Edwards, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell, Warren, Whitesides and Worth—31.

Negative—Messrs. Barnett, Beasley, Bellamy, Brogden, Eppes, Hyman, King, Lehman, McCotter, Old and Price—11.

On motion, the Senate adjourned until to-morrow morning 10 o'clock,

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RESOLUTION CONCERNING THE RECENT ACTION OF THE GCVERNOR, THE CHIEF JUSTICE, AND CERTAIN ASSOCIATE JUSTICES OF THE SUPREME COURT.

WHEREAS, The Constitution provides that the Supreme Court shall have jurisdiction to review, upon appeal, any decision of the courts below upon any matter of law or legal inference, to issue certain remedial writs, and hear claims against the State; and whereas, the powers and duties of the Governor are prescribed by the same instrument; and whereas, the Constitution further provides that the legislative, executive and supreme judicial powers of the government ought to be forever separate and distinct from each other, and that "all power of suspending laws or the execution of laws, hy any anthority, without consent of the representatives of the people, is injurious to their rights and ought not to he exercised;', and whereas, the Governor has refused to give effect to an act of this General Assembly entitled "an act concerning a convention of the people," ratified the 8th day of February, 1871, and, ignoring the Attorney General of the State, who hy the Constitution is made his legal adviser, has taken the opinion of the Chief Justice and certain Associate Justices of the Supreme Court as to the validity of said act, without authority of law, and when no ease involving the validity thereof was before said court, and now claims that he is sustained in his action by the said opinion: Now, therefore, this General Assembly, in maintenance of its rights, and in defence of its privileges, do

Resolve 1st, That the Supreme Court hath no other or larger jurisdiction than is expressly given to it by the Constitution.

2. That the opinion of the justices of said court, in a case not properly constituted therein, hath no binding force or effect, and doth not establish the law in such case.

3. That the said Chief Justice and his associates, in giving said opinion, have transcended the limits of official duty and propriety, the more especially as they have a direct interest in the question submitted to them by the executive.

4. That the Governor of North Carolina hath no veto power, nor any power equivalent thereto, and cannot dispense with

laws or suspend the execution thereof.

4. That the Governor is not at liberty in his official character to feel or to affect to feel constitutional scruples, and to sit in judgment himself on the validity of any act of the General Assembly duly ratified, and to nullify it, if he so chooses, but it his duty to execute such act until it shall have been declared unconstitutional in due course of law.

6. That the action of the Governor and Chief Justice and Associate Justices of the Supreme court in relation to said act, is a manifest encroachment upon the rights, powers, and privileges of this department of the government, and is suhversive of the fundamental principles of the constitution.

7. That this General Assembly do, in discharge of their duty to themselves and in behalf of the people of North Carolina, protest against and condemn this usurpation as of evil

example and dangerons tendency.

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#### EIGHTY-EIGHTH DAY.

SENATE CHAMBER, March 23d, 1871.

The Senate met pursuant to adjournment.

The journal of yesterday was read.

Messrs. Jones, Merrimon, Troy and Whitesides obtained leave to have their names recorded in the affirmative on the vote by which was adopted last night.

S. R. 546, resolution concerning the recent action of the Governor, the Chief Justice and certain Associate Justices of the Supreme Court.

The Committee on Engrossed Bills reported as correctly engrossed,

S. B. 223, a bill to be entitled an act in relation to Justices of the Peace and Constables,

S. B. 233, resolution in favor of Wm. A. Bradsher;

336, a bill to be entitled an act to prevent the sale of spirittous liquors within two miles or less of Point Caswell, in the county of New Hanover;

S. B. 68, a bill to be entitled an act to amend chapter—aws of 1868-'69, entitled an act to provide for a system of

public instruction;

S. B. 448, a bill to repeal an act to prevent the sale of spiritlous liquors in three miles of Silver Hill, Davidson county;

S. B. 637, a bill to be entitled an act to extend the corporate imits of the town of Fayetteville and for other purposes;

Amendment to H. B. 357, S. B. 426, a bill to be entitled an ect to legalize certain acts of commissioners of Mitchell county,

Which, together with S. B. 398, reported on yesterday as corectly engrossed, were transmitted to the House for concurrence.

The following bills and resolutions were introduced, read and bassed first time and referred, or were otherwise disposed of, as ollows:

By Mr. Allen, a resolution in favor of L. C. Edwards. Adopted.

By Mr. Edwards, a resolution directing the doorkeeper to restore to its place in the Senate chamber the marble bust of Calhoun presented to the State by Wharton J. Green, Esq.

The question recurring upon the adoption of the resolution the yeas and nays were demanded. The Senate agreed thereto and the resolution was adopted. Yeas 19; Nays 17.

Affirmative—Messrs. Adams, Allen, Barnett, Battle, Edwards, Fleming, Linney, Love, Mauney, Merrimon, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Skinner, Troy and Waddell—19.

Negative—Messrs. Brogden, Brown, Cook, Cowles, Currie, Gilmer, Graham of Alamance, Graham of Orange, Jones, King, Latham, Lenman, McClammy, McCotter, Moore, Whitesides and Worth—17.

By message from the House of Representatives,

H. R. 278, resolution concerning the publication of a certain act of the General Assembly. Laid over under the rules.

H. B. 420, a bill to be entitled an act authorizing the county commissioners of Caldwell county to levy a special tax. Referred to committee on propositions and grievances.

H. B. 583, a bill to be entitled an act to incorporate the Independent Order of Good Templars, of Newbern, N. C. Referred to committee on corporations.

H. B. 596, a bill to be entitled an act authorizing the commissioners of Cleaveland county to issue bonds. Referred to committee on propositions and grievances.

By Mr. Latham, resolution raising a Committee of Inquiry into the conduct of John Pool, U. S. Senator.

On motion, the rules were suspended and the resolution was put on its second and third readings.

The question recurring on the passage of the resolution the second time, the yeas and nays were demanded. The Senate agreed thereto, and the resolution passed the second time. Yeas 30; Nays 8.

Affirmative—Messrs. Adams, Allen, Battle, Brown, Cook, Council, Cowles, Crowell, Currie, Edwards, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Linney, Love, Mauney, McClammy, Merrimon, Moore, Morehead, Murphy, Norment, Robbins of Davidson, Skinner, Troy, Waddell and Worth—30.

Negative—Messrs. Barnett, Brogden, Eppes, Hawkins, Hyman, King, Lehman and McCotter—S.

The resolution then passed the third time. Yeas 29; Nays 9. Affirmative—Messrs. Adams, Battle, Brown, Cook, Council, Cowles, Crowell, Currie, Edwards, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Linney, Love, Mauney, McClammy, Merrimon, Moore, Morehead, Murphy, Norment, Robbins of Davidson, Skinner, Troy, Waddell and Worth—29.

Negative—Messrs. Barnett, Brogden, Eppes, Hawkins, Hyman, King, Lehman, McCotter and Price—9.

The hour having arrived for its consideration, the special order, S. B. 415, H. B. 311, a bill to be entitled an act to limit the powers of Township Trustees in Cherokee, Clay and other counties, was taken up, and the bill as amended passed the third time. Yeas 32; Nays 1.

Affirmative—Messrs. Adams, Battle, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Edwards, Eppes, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hyman, King, Latham, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Norment, Skinner, Troy, Waddell, Whitesides and Worth—32.

Negative—Mr. Robbins of Davidson.

The bills were then acted on as follows:

S. B. 274, a bill to be entitled an act concerning Usury, on its second reading.

Mr. Cook moved to strike cut in section 1, word "ten" and insert word "eight."

Mr. Graham, of Orange, moved to lay the bill on the table Upon this motion, Mr. Cook demanded the yeas and nays.

The Senate agreed thereto, and the motion prevailed. Yeas 18; Nays 17.

Affirmative—Messrs. Allen, Barnett, Brown, Crowell, Currie, Eppes, Fleming, Gilmer, Graham of Orange, Jones, Morehead, Murphy, Norment, Olds, Price, Skinner, Troy and Whitesides—18.

Negative—Messrs. Adams, Battle, Bellamy, Brogden, Cook, Cowles, Graham of Alamance, Hyman, King, Lehman, Linney, Love, Mauney, McCotter, Merrimon, Robbins of Davidson and Worth—17.

S. B. 59, a bill to be entitled an act to consolidate the Aflantie and North Carolina Railroad Company and the North Carolina Railroad Company. Laid on the table.

S. B. 390, a bill to be entitled an act to authorize the county commissioners of Macon to levy a special tax. Read and passed third time. Yeas 23: Nays 7.

Affirmative—Messrs. Adams, Brown, Council, Cowles, Crowell, Currie, Edwards, Fleming, Gilmer, Graham of Orange, Hawkins, Jones, Lehman, Love, Mauney, McClammy, McCotter, Morchead, Murphy, Skinner, Troy, Waddell and Worth—23.

Negative—Messrs. Graham of Alamance, King, Linney, Merrimon, Norment, Robbins of Davidson and Whitesides—7.

S. B. 136, a bill to be entitled an act to amend chapter 166, of the public laws of 1869-'70. Laid on table.

Mr. Robbins, of Rowan, moved to take the bill from the table for further consideration.

Mr. Graham called the previous question. The Senate sustained the call, and the motion did not prevail.

S. B. 262, a bill to be entitled an act amendatory of an act entitled proceedings in *habeas corpus*, ratified the 6th day of April, 1869. Read and passed second and third times. Yeas 29; Nays 2.

Affirmative—Messrs. Adams, Battle, Brogden, Cook, Council, Cowles, Crowell, Currie, Fleming, Gilmer, Graham of Ala-

mance, Graham of Orange, Hawkins, Jones, King, Latham, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Troy, Waddell and Worth—29.

Negative-Messrs. Bellamy and Hyman-2.

S. B. 259, a bill to be entitled an act to amend an act concerning the settlement of the estates of deceased persons, ratified on the 6th day of April, 1869.

Mr. Graham, of Alamance, moved to strike out word "perishable" in section 1. The motion prevailed, and the bill as amended passed second and third times. Yeas 20; Nays 9.

Affirmative—Messrs. Battle, Brown, Cook, Council, Cowles, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Jones, King, Latham, McClammy, Merrimon, Morehead, Murphy, Norment, Troy, Waddell and Worth—20.

Negative—Messrs. Adams, Bellamy, Brogden, Currie, Hawkins, Hyman, Linney, Robbins of Davidson and Robbins of Rowan—9.

S. B. 277, a bill to be entitled an act to amend section 23, chapter 37, Revised Code, entitled deeds and conveyances. Read and passed second and third times. Yeas 29; Nays 2.

Affirmative—Messrs. Adams, Battle, Brogden, Cook, Council, Cowles, Crowell, Carrie, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, King, Latham, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Troy, Waddell and Worth—29.

Negative—Messrs. Bellamy and Robbins of Rowan—2.

S. B. 408, a bill to be entitled an act concerning municipal officers.

Mr. Troy moved to insert an additional section. The motion prevailed.

Mr. Gilmer moved to further amend by striking out in section 1, the words "less than one year nor."

The motion prevailed, and the bill as amended passed the second and third times. Yeas 28; Nays 6.

Affirmative—Messrs. Adams, Allen, Battle, Cook, Council, Cowles, Crowell, Currie, Edwards, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Linney, Love, Mauney, McClammy, Merrimon, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell, Whitesides and Worth—28.

Negative—Messrs. Bellamy, Brogden, Brown, Eppes, Hyman and McCotter—6.

S. B. 443, a bill to be entitled an act to authorize the commissioners of Nash county to levy a special tax. Read and passed second and third times. Yeas 21; Nays 11.

Affirmative—Messrs. Battle, Brogden, Brown, Council, Crowell, Currie, Edwards, Gilmer, Graham of Orange, Jones, Latham, Linney, Love, Mauney, McClammy, Morehead, Murphy, Skinner, Troy, Waddell and Worth—21.

Negative—Messrs. Barnett, Cowles, Hawkins, Hyman, King, McCotter, Merrimon, Moore, Norment, Robbins of Davidson and Whitesides—11.

S. B. 446, a bill to be entitled an act to authorize the commissioners of Johnston county to issue bonds for the purpose of funding and paying off the county debts. Read and passed third time. Yeas 23; Nays 10.

Affirmative—Messrs. Adams, Allen, Brogden, Cook, Crowell, Currie, Edwards, Fleming, Gilmer, Graham of Orange, Hawkins, Jones, Latham, Linney, Love, Mauney, McClammy, Morehead, Murphy, Skinner, Troy, Waddell and Worth—23.

Negative—Messrs. Cowles, Hyman, King, McCotter, Merrimon, Moore, Norment, Price, Robbins of Davidson and White-sides—10.

The hour for its consideration having arrived, the special order, S. R. 586, resolution concerning the centennial anniversary of American Independence was taken up, and the resolution adopted.

The Committee on Enrolled Bills reported as correctly enrolled,

An act to construct a railroad from Kenansville, in Duplin county, to Clinton, in Sampson county;

An act to incorporate the Fair of the Carolinas, at Charlotte;

An act to lay out and construct a public road from the town of Sparta, in Alleghany county, to the Virginia line;

An act to amend chapter 66 of public laws of 1869-'70, to construct a road through the counties of Ashe and Alleghany;

An act to incorporate the trustees of the Blue Ridge Academy, in the county of Henderson;

An act to amend the charter of the Wilmington Hook and Ladder Company;

An act to lay out and construct a road through the county of Ashe, which were ratified and transmitted to the Secretary of State.

On motion, the Senate adjourned until 7½ P. M.

# SENATE CHAMBER, 7½ P. M., March 23d, 1871.

The Senate met pursuant to adjournment.

Leaves of absence was granted to Mr. Love from and after Monday for the remainder of the session; to Mr. Hyman from Friday until Monday, and to Mr. Mauney for Monday and Tuesday next.

The Committee on Corporations reported tavorably on

S. B. 630, a bill to be entitled an act to incorporate the first co-operative store of the city of Wilmington and its branches;

S. B. 645, H. B. 463, a bill to be entitled an act to incorporate the North Carolina Stock Raising and Fishing Company;

S. B. 648, H. B. 540, a bill to be entitled an act to incorporate Republican Star Lodge, No. 1,384, G. U. O. of O. F., Elizabeth City;

S. B. 652, a bill to be entitled an act to incorporate the Wilmington and Smithville Steamboat Company.

Mr. Love introduced a resolution instructing Senate branch

of Committee on Public Printing in relation to printing certain parts of the proceedings on impeachment, &c., which was read and adopted.

Mr. Cook introduced a bill to be entitled an act to construct a public bridge across the Yadkin river at or near the town of Wilkesboro', which was read and passed first time and referred to committee on corporations.

S. B. 459, a bill to be entitled an act for the relief of the tax payers of Buncombe county. Read and passed second and third times.

S. B. 451, a bill to be entitled an act to reduce the bond of Superior Court Clerk of Dare county.

Mr. Skinner moved to amend by adding following provise to section 1:

Provided, That such Probate Judge or Superior Court Clerk shall be elected by the qualified voters of the county of Dare, at an election to be held for that purpose, on the first Thursday in August next, under the rules and regulations now prescribed by law for other elections.

The amendment prevailed, and the bill as amended passed second and third times.

S. B. 453, H. B. 356, a bill to be entitled an act authorizing the Dismal Swamp Canal Company to issue eight per cent. bonds.

Read and passed second and third times.

S. B. 576, a bill to be entitled an act to protect the city of Raleigh from accident by fire.

The amendment offered by Committee on Corporations was adopted.

Mr. Troy moved to add following to section 1:

Provided, That said bonds shall not be sold at a discount greater than fifteen per cent.

The amendment prevailed.

The bill as amended then passed second and third times.

On motion of Mr. Gilmer, the Senate adjourned until 10 o'clock to morrow morning.

### EIGHTY-NINTH DAY.

SENATE CHAMBER, March 24th, 1871.

The Senate met pursuant to adjournment.

Journal of yesterday was read.

Leaves of absence was granted to Mr. Edwards from Saturday morning until Monday evening, and to Mr. Waddell from Monday until Wednesday evening.

The Committee on Engrossed Bills reported as correctly

engrossed,

S. R. 546, resolution concerning the recent action of the Governor, the Chief Justice and certain Associate Justices of the Supreme Court;

S. B. 450, a bill to be entitled an act for the relief of the

tax payers of Buncombe county;

S. B. 513, a bill to be entitled an act to incorporate the Fairmount Foundry Company, in the county of Chatham;

Amendment to H. B. 517, S. B. 603, a bill to be entitled an act to extend the time of George Nicks, former sheriff of Yadkin, and others, to settle with their county treasurers, which were transmitted to the House of Representatives for concurrence.

The Committee on the Judiciary reported

S. B. 2, a bill to be entitled an act to authorize the board of county commissioners to appoint a finance committee for their respective counties, and to extend the powers of such committee, re-committed on its third reading, with accompanying substitute therefor.

The Committee on Claims reported

S. R. 626, H. R. 239, resolution in favor of G. W. and B. K. Dickey, with accompanying amendment.

On motion of Mr. Love, the rules were suspended and S. R. 656, H. R. 278, resolution concerning the publication of a certain act of the General Assembly was taken up, read and adopted.

The following bills were introduced, read and passed first time, and referred or otherwise disposed ot, as follows:

By Mr. Norment, a resolution in favor of John S. McNeill and others. Placed on calendar.

By Mr. Gilmer, a bill to be entitled an act to allow the commissioners of Guilford county to change 'the boundaries of the townships in that county. Placed on calendar.

By Mr. Gilmer, a bill to be entitled an act to enable the North Carolina Railroad Company to complete their road to Salem. To committee on internal improvements.

By Mr. Murphy, a bill to be entitled an act to repeal chapter 257, laws of 1868-'69. To the committee on the judiciary.

By message from House of Representatives:

H. B. 520, a bill to be entitled an act to incorporate the Wilmington Railway Co-operative Association. To committee on corporations.

On motion of Mr. Norment, the rules were suspended and S. R. 663, a resolution in favor of John S. McNeill and others, was read and passed the second and third times. Yeas 28; Nays 3.

Affirmative—Messrs. Adams, Cook, Council, Cowles, Crowell, Currie, Edwards, Eppes, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Jones, Lehman, Love, Mauney, McClammy, McCotter, Moore, Murphy, Norment, Robbins of Davidson, Skinner, Troy, Waddell, Whitesides and Worth—28.

Negative—-Messrs. Beasley, Bellamy and Merrimon—3.

Mr. Cowles moved to reconsider the vote by which S. R. 659, resolutions raising a Committee of Inquiry into the conduct of John Pool, U. S. Senator, was adopted on yesterday.

Mr. Jones moved to lay that motion on the table.

Upon this latter motion, Mr. Cowles demanded the yeas and nays. The Senate agreed thereto, and the motion to lay on the table did not prevail. Yeas 14; Nays 22.

Affirmative—Messrs. Adams, Brown, Crowell, Graham of Orange, Jones, Mauney, McClammy, Merrimon, Morehead, Murphy, Skinner, Troy, Waddell and Whitesides—14.

Negative—Messrs. Beasley, Bellamy, Brogden, Cook, Council, Cowles, Currie, Fleming, Eppes, Gilmer, Graham of Alamance, Hawkins, King, Lehman, Linney, Love, McMotter, Moore, Norment, Robbins of Davidson, Robbins of Rowan and Worth—22.

The question recurring upon the motion to reconsider, Mr. Cowles demanded the yeas and nays. The Senate agreed there-

to, and the motion prevailed. Yeas 27; Nays 9.

Affirmative—Messrs. Beasley, Bellamy, Brogden, Brown, Cook, Council, Cowles, Currie, Eppes, Fleming, Gilmer, Graham of Alamance, Hawkins, King, Lehman, Linney, Love, Mauney, McClammy, McCotter, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Waddell, Whitesides and Worth—27.

Negative—Messrs. Battle, Edwards, Graham of Orange, Jones, Merrimon, Moore, Morehead, Murphy and Troy—9.

The question then recurring upon the passage of the resolution the third time,

Mr. Cowles offered the following amendment to come in at end of 3d section:

Provided, Said committee shall not meet at the expense of the State between the adjournment of the present and the meeting of the next session of the General Assembly.

The amendment prevailed and the resolution passed the hird time.

At 11 A. M., S. B. 89, a bill to be entitled an act to allow ailroad and other corporations to purchase the stock of the State on such corporations by returning to the Treasury the

bonds with which such stock was obtained, and for other purposes, it being special hour for that time, was taken up.

The amendments offered by Messrs. Troy and Graham of

Orange, were, by consent, withdrawn.

And the question recurring on the amendment in the nature of a substitute offered by Mr. Worth.

Mr. Edwards moved that the Senate do now adjourn.

On this motion Mr. Graham, of Alamance, demanded the yeas and nays. The Senate agreed thereto, and the motion to adjourn did not prevail. Yeas 4; Nays 29.

Affirmative—Messrs. Brown, Jones, Lehman and Skinner—4.

Negative—Messrs. Adams, Beasley, Brogden, Cook, Council, Cowles, Crowell, Currie, Edwards, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, King, Linney, Love, Mauney, McCotter, Merrimon, Moore, Morehead, Norment, Price, Robbins of Davidson, Robbins of Rowan, Troy, Waddell and Worth—29.

The further consideration of the special order was suspended temporarily to announce a message from the House of Representatives, transmitting H. R. 289, a resolution to provide for a casual deficit in the Treasury, which was read and passed the first time, and placed on the calendar.

The consideration of the special order was then resumed.

Mr. Edwards moved that the Senate do now adjourn.

The motion did not prevail.

The previous question was then called. The Senate sustained the call.

Mr. Edwards moved that the Senate do now adjourn.

The Chair decided that the previous question having been ordered by the Senate, the motion to adjourn was not in order, from this decision Mr. Edwards appealed, and the question having been submitted to the Senate, the decision of the Chair stood as the decision of the Senate.

The question again recurring upon the amendment in the nature of a substitute offered by Mr. Worth, the yeas and nays

were demanded. The Senate agreed thereto, and the substi-

tute was adopted. Yeas 29; Nays 5.

Affirmative—Messrs. Adams, Battle, Beasley, Bellamy, Cook, Council, Cowles, Crowell, Currie, Fleming, Gilmer, Hawkins, Jones, King, Linney, Love, Mauney, McClammy, McCotter, Moore, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Worth—29.

Negative—Messrs. Brogden, Brown, Eppes, Graham of Orange and Merrimon—5.

The bill as amended then passed the second time. On motion the Senate adjourned until 7½ P. M.

SENATE CHAMBER, 71 P. M., March 24th, 1871.

The Senate met pursuant to adjournment.

Leave of absence from Saturday morning until Monday evening was granted to Mr. King.

The Senate then proceeded to the consideration of the special order for the hour, to-wit: the motion to reconsider the vote by which S. B. 425, H. B. 366, a bill to be entitled an act to amend an act to incorporate the Bank of Mecklenburg was rejected on its third reading on 21st March.

The motion to reconsider prevailed.

The question then recurring on the passage of the bill the third time,

Mr. Jones moved to amend by striking out in section 10, words "prior to other incumbrances of a general character."

The amendment prevailed and the bill passed the third time.
Under a suspension of the rules, bills were acted on, as follows:

S. B. 583, a bill to be entitled an act for the relief of the sheriffs of Wayne and Wilson, and other counties.

Mr. Love moved to insert words "except costs of suit" after

fines in section 3, and to strike out all after word law in said section, and insert. *Provided*, said sheriffs shall pay said taxes on or before 30th September, 1871.

The amendments prevailed and the bill passed the second and third times.

Upon the passage of this bill, Mr. Graham, of Orange, voted in the negative.

S. B. 556, H. B. 495, a bill to be entitled an act supplemental to an act passed at this pressent General Assembly, entitled an act to lay off and establish a county by the name of Swain.

Mr. Love moved an amendment in the nature of a substitute for sections 2, 3, 4, 5, 6, 7 and 17.

The amendment prevailed.

Mr. Love moved to further amend as follows:

In line 9, section 16, strike out four and insert nine.

In line 12, section 12, strike out fifteenth day of May, and insert eighteenth day of June.

In line 3, section 18, strike out twelve, and insert seventeen.

The amendments prevailed, and the bill as amended passed the third time.

H. R. 289, a resolution to provide for a casual deficiency in the Treasury.

Mr. Olds moved to strike out eight and insert six in section 1.

On motion of Mr. Graham, of Orange, the previous question was ordered.

The motion recurring on the amendment of Mr. Olds, it did not prevail, and the resolution passed the second and third times. Yeas 26; Nays 1.

Affirmative—Messrs. Adams, Battle, Beasley, Cowles, Crowell, Currie, Edwards, Eppes, Fleming, Graham of Orange, Jones, King, Linney, Love, Mauney, McClammy, McCotter, Morehead, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Worth—26.

Negative-Mr. Brogden-1.

S. B. 634, H. B. 562, a bill to be entitled an act authorizing the county commissioners of Hertford to levy a special tax.

The question recurring upon the passage of the bill the second time, the yeas and nays were taken, and thereupon the Clerk reported that there was not a quorum of the Senators voting.

The Clerk then proceeded under the rule of the Senate to call the roll of Senators, and the following answered to their

Messrs. Adams, Battle, Beasley, Brogden, Cowles, Crowell, Currie, Edwards, Eppes, Graham of Orange, Jones, King, Linney, Love, Mauney, McClammy, McCotter, Morehead, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Troy, Warren and Worth—25.

On motion of Mr. Graham, of Orange, the Senate adjourned.

### NINETIETH DAY.

SENATE CHAMBER, March 25th, 1871.

The Senate met pursuant to adjournment.

Mr. Merrimon rose to a question of personal privilege, and explained the reasons of his absence last night at the call of the Senate.

On motion of Mr. McClammy, S. B. 490, H. B. 119, a bill to be entitled an act to abolish the special court of the city of Wilmington, was made special order for 8 o'clock, P. M., Tuesday, 28th March.

The Committee on Engrossed Bills reported as correctly engrossed,

S. R. 659, resolution raising a Committee of Inquiry into the conduct of John Pool, U. S. Senator, which was transmitted to the House of Representatives for concurrence.

Mr. Mauney submitted a report from the Committee on

Public Printing, in relation to the printing of the proceedings in the late impeachment trial, which was read.

On motion, S. B. 635, H. B. 586, a bill to be entitled an act to incorporate the Statesville Air Line Railroad Company, and

S. B. 557, H. B. 380, a bill to be entitled an act to incorporate the Georgia and North Carolina Railroad Company, were made special orders for 7½ o'clock, P. M., Monday, 27th March.

Mr. Murphy introduced a resolution providing for an adjournment sine die on 3d of April, at 6 o'clock, A. M, which was read and laid over under the rules.

Mr. Currie introduced a resolution authorizing the Engrossing Clerk of the Senate to employ assistance, which was read and adopted.

A message was received from the House of Representatives transmitting H. B. 642, a bill to be entitled an act supplemental to an act creating a commission to inquire into charges of corruption and fraud, ratified the 8th day of February, 1871, which, under a suspension of the rules, was read and passed three several times. Yeas 27; Nays none.

Affirmative—Messrs. Adams, Battle, Brogden, Cook, Council, Cowles, Crowell, Currie, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Linney, Love, Mauney, McClammy, Merrimon, Moore, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Worth—27.

Negative-None.

On motion of Mr. Worth, the rules were suspended and S. B. 634, H. B. 562, a bill to be entitled an act authorizing the county commissioners of Hertford to levy a special tax, was read and passed the second time. Yeas 30; Nays 3.

Affirmative—Messrs. Adams, Battle, Beasley, Brown, Cook, Council, Cowles, Currie, Edwards, Eppes, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Latham, Linney, Love, Mauney, McClammy, McCotter, Morehead,

Murphy, Olds, Price, Robbins of Davidson, Skinner, Troy, Waddell and Worth—30.

Negative-Messrs. Bellamy, Merrimon and Moore-3.

The bill was then made special order for 10½ A. M., Monday, 27th March.

On motion, the rules were suspended and S. R. 667, H. R. 289, a resolution to provide for a casual deficit in the Treasury, was read and passed second time. Yeas 26; Nays 2.

Affirmative—Messrs. Adams, Battle, Cook, Council, Cowles, Crowell, Currie, Eppes, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Linney, Love, Mauney, McClammy, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy and Worth—25.

Negative-Messrs. Merrimon and Waddell-2.

On motion, the rules were suspended and S. R. 541, H. R. 118, a resolution to raise a commission to examine into the accounts of the Treasurer, was taken up, read and adopted.

On motion of Mr. Love, S. B. 494, a bill to be entitled an act in relation to salaries of certain officers, was made special order for 12 M., on-Monday, 27th March.

The Committee on Enrolled Bills reported as correctly enrolled,

An act to extend the time of George Nicks, former sheriff of Yadkin county, and others, to settle with their county treasurers;

An act authorizing the Dismal Swamp Canal Company to issue eight per cent bonds;

An act to authorize the commissioners of Anson county to levy a special tax for county purposes;

An act supplemental to an act to incorporate the Trustees of Mt. Vernon Academy, on Bay River, in Craven county;

An act to legalize certain acts of the county commissioners of Mitchell county;

An act to incorporate the Oxford and Henderson Railroad Company;

Which were duly ratified and transmitted to the Secretary of State.

The consideration of bills on third reading being in order, S. B. 89, a bill to be entitled an act to allow Railroad and other corporations to purchase the stock of the State in such corporations, by returning to the treasury the bonds with which such stock was obtained and for other purposes, was taken up.

Mr. Cowles moved the following amendment, to come in at the end of the second section:

Provided further, That it shall be unlawful for said commissioners to confirm the sale of any portion of the aforesaid stock owned by the State, until they have negotiated the sale of the whole, in accordance with the first proviso, in the first section of this act.

Upon this motion, Mr. Olds demanded the yeas and nays. The Senate agreed thereto, and the amendment did not prevail. Yeas 12; Nays 21.

Affirmative—Messrs. Cook, Cowles, Currie, Edwards, Fleming, Latham, Linney, Love, Merrimon, Murphy, Olds and Skinner—12.

Negative—Messrs. Adams, Battle, Beasley, Brogden, Brown, Council, Crowell, Eppes, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Jones, Mauney, McClammy, Moore, Morehead, Robbins of Davidson, Troy, Waddell and Worth—21.

Mr. Graham, of Orange, moved the following amendment, to come in at end of section 1:

Provided further, That no sale of any portion of the State stock in the North Carolina Railroad shall take place until it is ascertained that at least one-half of the State stock in the Western North Carolina Railroad and the Atlantic and North Carolina Railroad can be disposed of upon the terms men-

tioned in this act or that the State stock in the North Carolina Railroad can be disposed of for a sufficient premium taken in connection with the price obtained for one-half of the State stock in the Western North Carolina Railroad and Atlantic North Carolina Railroad to make the said State stocks bring the average contemplated in this act, to wit: the principal of the State bonds (and coupons falling due since October 1868) by which the State obtained the said stocks.

The amendment prevailed.

Mr. Graham moved to strike out all after word "creditors" in line 3, to word "and" in line 12. The motion did not prevail.

Mr. Troy moved the following amendment, to come in after word "creditors" in last line of the preamble:

"As the only means of payment the State can apply to debts incurred for the interest of the State in such corporations."

The amendment did not prevail.

Mr. Fleming moved an amendment in the nature of a substitute, in text the same as S. B. 551, a bill to be entitled an act to restore the credit of the State of North Carolina, by reducing the State debt. The amendment did not prevail.

Mr. Robbins, of Davidson, moved to strike out in line 9, section 1, the words "in this State."

The motion prevailed.

Mr. Graham, of Orange moved to amend by inserting the following to come in as section 3:

Section 3. That any railroad or other corporation which has heretofore received bonds of the State in exchange for bonds of said corporation, shall be entitled to a surrender of any of its bonds upon the return to the Treasury of any State bond of equal amount issued under the acts of the General Assembly or ordinances of the Convention, authorizing such ex-

change, and upon a return of all bonds issued under any particular act or ordinance to a cancellation and surrender of any mortgage executed to the State for securing payment of such corporation bonds; coupons on said bonds may be exchanged in like manner and cut off and retained on either side to make equality.

The amendment prevailed.

Mr. Love moved to insert after word "effected" in line 6, section 5, the following: "or at such times as said commisioners may deem proper."

The motion prevailed.

Mr. Graham, of Orange, moved to further amend the bill as follows:

Insert in line 20 of preamble, after word "settled," the word "and."

In line 17, of section 1, strike out words "before the first day of January, 1868."

In line 4, of section 2, strike out words "other than special tax bonds."

In lines 15, 16, 17 and 18, section 2, strike out words "and offer for exchange said State bonds, which have been issued in consideration of the bonds and securities herein directed to be sold," and insert instead thereof, the words "to be paid for in bonds of the State issued in exchange for said bonds or coupons respectively,"

In line 21, section 2, after word "interest" insert words "since October, 1868."

The amendments were severally adopted.

Mr. Jones moved to strike out all after word "that" in line 1, section 1, to word "commissioners" in line 2, of same section, and insert the following instead thereof: "The President of the Senate and Speaker of the House of Representatives are hereby authorized to appoint a board of five," and on this motion demanded the yeas and nays. The Senate agreed thereto, and the amendment prevailed. Yeas 22; Nays 10.

Affirmative-Messrs. Adams, Brogden, Cook, Council, Cowles, Crowell, Eppes, Graham of Alamance, Graham of Orange, Hawkins, Jones, Linney, McClammy, McCotter, Moore, Murphy, Price, Robbins of Rowan, Skinner, Troy, Waddell and Worth-22.

Negative-Messrs. Battle, Brown, Edwards, Fleming Gilmer, Love, Mauney, Merrimon, Morehead and Robbins of Davidson-10.

Mr. Cowles moved the following amendment:

The Legislature reserves itself the right to confirm or abrogate any transfer of the States stock in said corporations by the commissioners appointed in this act.

Upon this motion Mr. Latham demanded the yeas and nays. The Senate agreed thereto, and the amendment did not prevail. Yeas 11; Nays 18.

Affirmative-Messrs. Adams, Cook, Cowles, Edwards, Eppes, Fleming, Latham, Linney, Love, Skinner and Waddell -11.

Negative-Messrs. Battle, Brogden, Brown, Council, Currie, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Mauney, McClammy, McCotter, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Troy and Worth-18.

The previous question having been called, the Senate ordered the main question to be put, and the bill as amended passed

the third time. Yeas 23; Nays 12.

Affirmative-Messrs. Adams, Bellamy, Brogden, Council, Crowell,, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Jones, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Troy, Waddell and Worth-23.

Negative-Messrs. Battle, Brown, Cook, Cowles, Currie, Edwards, Eppes, Latham, Linney, Moore, Price and Skinner

-12.

On motion of Mr. Graham, of Orange, the title of the bill

was amended so as to read as follows: A bill to be entitled an act to provide for the reduction and settlement of the public debt.

The rules were then suspended and bills acted on as follows: S. B. 479, a bill to be entitled an act in relation to road steamers.

Mr. Morehead moved an amendment in the nature of a substitute, to section 1. The amendment prevailed.

Mr. Morehead moved to strike out word "said," in section 2, and insert the following: "The Lexington Copper Mining Company, a company organized under the laws of New York, and now working mines in Davidson county. The amendment prevailed and the bill as amended passed the second and third times. Yeas 26; Nays none.

Affirmative—Messrs. Battle, Brogden, Cook, Council, Cowles, Crowell, Eppes, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Worth—26.

Negative-None.

Mr. Robbins, of Rowan, moved that the Senate do now adjourn.

Upon this motion Mr. Lehman, demanded the yeas and nays. The Senate agreed thereto, and the motion did not prevail. Yeas 7; Nays 19.

Affirmative—Messrs. Cowles, Curric, Jones, Mauney, Merrimon, Robbins of Davidson and Robbins of Rowan—7.

Negative—Messrs. Adams, Brogden, Cook, Council, Crowell, Eppes, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Latham, Linney, McClammy, Morehead, Murphy, Skinner, Troy, Waddell and Worth—19.

S. B. 477, a bill to be entitled an act in relation to the meadows in Rockingham county. Read the second time.

Mr. Robbins, of Davidson, moved to lay the bill on the table. The motion did not prevail. Mr. Merrimon moved to postpone the bill indefinitely. The motion did not prevail.

Pending the consideration of the bill on its second reading, Mr. Cowles moved that the Senate do now adjourn.

The motion prevailed, and the Senate adjourned until 10 o'clock, Monday morning.

#### NINETY-FIRST DAY.

SENATE CHAMBER, March 27th, 1871.

The Senate met pursuant to adjournment.

The Judiciary Committee reported favorably on

- S. B. 621, H. B. 455, a bill to be entitled an act to amend an act ratified 10th April, 1869, entitled an act to define and punish bribery;
- S. B. 629, a bill to be entitled an act to provide for issuing new grants to owners of land, and for other purposes;
- S. B. 643, H. B. 519, a bill to be entitled an act to amend sections 266, 268, 270, 271, Code of Civil Procedure;
- S. B. 666, a bill to be entitled an act to repeal chapter 257, laws of 1868-'69;
- S. B. 654, a bill to be entitled an act for the protection of stock raising;

And asked to be discharged from the further consideration of S. B. 560, a bill to be entitled an act in favor of poor widows. The committee was discharged.

The Committee on Internal Improvements reported favorably on

S. B. 617, H. B. 516, a bill to be entitled an act to incorporate the Naval Extension Railroad Company;

And unfavorably on,

S. B. 653, a bill to be entitled an act to repeal an act entitled an act to amend the charter of the W. N. C. R. R. Company,

ratified the 19th day of August, A. D. 1868, and for other purposes.

The Committee on Engrossed Bills reported as correctly engrossed,

- S. B. 408, a bill to be entitled an act concerning municipal officers;
- S. B. 259, a bill to be entitled an act to amend an act entitled an act concerning the settlement of the estates of deceased persons, ratified 6th April, 1869;
- S. B. 262, a bill to be entitled an act amendatory of an act entitled proceedings in *habeas corpus*, ratified 6th April, A. D. 1869;
- S. B. 277, a bill to be entitled an act to amend section 23, chapter 37, Revised Code, entitled deeds and conveyances;
- S. B. 443, a bill to be entitled an act to authorize the commissioners of Nash county to levy a special tax;
- S. B. 446, a bill to be entitled an act to authorize the commissioners of Johnston county to issue bonds for the purpose of paying off the county debts;
- S. B. 451, a bill to be entitled an act to reduce the bond of the Superior Court Clerk and Judge of Probate, of Dare county, from ten to three thousand dollars;
- S. B. 576, a bill to be entitled an act to protect the city of Raleigh from accident by fire;
- S. R. 586, resolution concerning the centennial anniversary. of American Independence;
- S. B. 583, a bill to be entitled an act for the relief of the sheriffs of Wayne, Wilson and other counties;
- S. R. 663, a resolution in favor of John L. McNeill and others;

Amendments to H. B. 366, S. B. 425, a bill to be entitled an act to amend an act to incorporate the Bank of Mecklenburg;

Amendments to H. B. 311, S. B. 415, a bill to be entitled an act to limit the powers of township trustees in Cherokee, Clay and other counties; Amendment to H. B. 232, S. B. 390, a bill to be entitled an act to authorize the county commissioners of Macon to levy a special tax, which were transmitted to the House of Representatives for concurrence.

Leave of absence for this week was granted to Mr. Albright. Mr. Cook introduced the following resolution:

Resolved, That the meetings and adjournments of the Senate from and after to-day, shall be as follows: meet at 10 o'clock, A. M., adjourn at 2 o'clock, P. M. Meet at  $3\frac{1}{2}$  P. M., adjourn at  $5\frac{1}{2}$  P. M. Meet at  $7\frac{1}{2}$  P. M., adjourn at 10 P. M., which was read.

Upon the adoption of the resolution, Mr. Jones called the previous question, and upon this demanded the year and nays, pending which, the hour of  $10\frac{1}{2}$  A. M. arrived, and the special order for that hour, to-wit:

S. B. 634, H. B. 562, a bill to be entitled an act authorizing the county commissioners of Hertford to levy a special tax, was taken up, read and passed the third time. Yeas 26; Nays 3.

Affirmative—Messrs. Adams, Beasley, Brown, Cook, Council, Cowles, Crowell, Dargan, Edwards, Eppes, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Lehman, Linney, Love, McCotter, Morehead, Olds, Price, Robbins of Davidson, Skiner. Troy and Worth—26.

Negative—Messrs. Bellamy, Merrimon and Moore—3.

On motion of Mr. Morehead, the rules were suspended and S. B. 477, a bill to be entitled an act in relation to the meadows of Rockingham county, was taken up. The amendment offered by Mr. Morehead in the nature of a substitute was adopted, and the bill as amended passed its second and third readings.

Mr. Linney introduced a resolution fixing the day of the adjournment sine die of the General Assembly on 3d April, and moved to suspend the rules for the purpose of considering the same.

Upon this motion, Mr. Gilmer demanded the yeas and nays. The Senate agreed thereto, and a majority of all the Senators elect not having voted in the affirmative, the motion did not prevail. Yeas 17; Nays 9.

Affirmative—Messrs. Adams, Beasley, Brown, Cook, Cowles, Crowell Currie, Dargan, Eppes, Gilmer, Graham of Alamance, Lehman, Linney, Love, Merrimon, Olds and Robbins of Rowan—17.

Negative—Messrs. Bellamy, Fleming, Graham of Orange, Jones, Latham, Moore, Robbins of Davidson, Skinner and Worth—9.

The rules were suspended, and bills acted on as follows:

S. B. 334, a bill to be entitled an act in relation to a Board of Internal Improvement, on its second reading.

The amendment offered by the Committee on Internal Improvements, was adopted.

On motion of Mr. Robbins, of Rowan, D. A. Davis, was added to the Board, and the word five substituted for the word four in line 4, section 1, of the bill, and the bill passed the second and third times. Yeas 24; Nays 8.

Affirmative—Messrs. Adams, Battle, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Fleming, Gilmer, Graham of Alamance, Jones, Latham, McClammy, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy and Worth—24.

Negative—Messrs. Beasley, Bellamy, Brogden, Eppes, Lehman, McCotter, Olds and Price—8.

Resolution directing the Secretary of State to have printed in the Raleigh Sentinel for at least one week, an act in relation to convicts, ratified the 15th March, 1871. Read and adopted.

S. B. 653, a bill to be entitled an act to repeal an act entitled an act to amend the charter of the Western North Carolina Railroad Company, ratified the 19th August, A. D. 1868, and for other purposes.

The question recurring upon the amendment in the nature of a substitute offered by Mr. Merrimon,

Mr. Love moved to amend by striking out in section 1, lines 13 and 14, words "or any part thereof," and inserting instead thereof, the words "according to the charter and the several amendments thereto, as the same existed prior to August 19, A. D. 1868." The amendment to the amendment prevailed.

Mr. Cowles moved to make the bill the special order for  $7\frac{1}{2}$  P. M., Wednesday night The motion did not prevail.

Mr. Gilmer moved to strike out seeond section of the substitute.

Upon this motion, Mr. Merrimon demanded the yeas and nays. The Senate agreed thereto, and the motion to strike out prevailed. Yeas 15; Nays 13.

Affirmative—Messrs. Brogden, Cook, Cowles, Crowell, Edwards, Gilmer, Graham of Alamance, Graham of Orange, Jones, McClammy, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner and Worth—15.

Negative—Messrs. Brown, Council, Currie, Dargan, Eppes, Fleming, Linney, Love, Merrimon, Moore, Morehead, Olds and Price—13.

The substitute was then adopted and the bill passed the second time.

The bill was then read and passed the third time. Yeas 15; Nays 13.

Affirmative—Messrs. Cowles, Crowell, Dargan, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Linney, Love, McClammy, Merrimon, Morehead, Murphy, Olds, and Robbins of Davidson—15.

Negative—Messrs. Adams, Brogden, Brown, Cook, Council, Currie, Edwards, Eppes, Jones, Latham, Robbins of Rowan, Skinner and Worth—13.

S B. 494, a bill in relation to salaries of certain officers.

Mr. Murphy moved that the bill be read and considered by sections.

The motion prevailed, and the first section was read.

The question recurring upon the adoption of the first section, Mr. Love demanded the yeas and nays. The Senate agreed thereto, and the section was not adopted. Yeas 9; Nays 24.

Affirmative—Messrs. Battle, Beasley, Bellamy, Brown, Council, Love, Merrimon, Price and Troy—9.

Negative—Messrs. Adams, Brogden, Cook, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Lehman, Linney McClammy, McCotter, Moore, Morehead, Murphy, Olds, Robbins, of Davidson and Worth—24.

The second section was read.

Mr. Cowles moved an amendment thereto in the nature of a substitute, as follows:

That the salary, traveling and other incidental expenses of the State Geologist shall not exceed \$3,500—that \$1,500 of this sum shall be considered as the salary of the State Geologist.

Mr. Graham moved to amend the amendment by striking out all after \$3,500.

The amendment to the amendment did not prevail.

The question recurring upon the amendment offered by Mr. Cowles, the year and nays were demanded. The Senate agreed thereto, and the amendment did not prevail. Year 13; Nays 19.

Affirmative—Messrs. Battle, Beasley, Bellamy, Brogden, Cook, Council, Cowles, Latham, Linney, Love, McCotter, Skinner and Troy—13.

Negative—Messrs. Adams, Brown, Crowell, Currie, Dargan, Edwards, Eppes, Gilmer, Graham of Alamance, Graham of Orange, Jones, McClanuny, Merrimon, Morehead, Murphy, Olds, Robbins of Davidson, Robbins of Rowan and Worth—19.

Mr. Robbins, of Davidson, moved an amendment in the nature of a substitute for section 2. That Prof. W. C. Kerr, be continued as State Geologist, and that he give to each ses-

a of the General Assembly an itemized statement of his cial expenditures.

The question recurring upon the adoption of the amendnt, the yeas and nays were demanded. The Senate agreed reto, and the amendment in the nature of a substitute was opted. Yeas 20; Nays 12.

Affirmative—Messrs. Adams, Battle, Brown, Dargan, Edrds, Fleming, Gilmer, Graham of Alamance, Graham of ange, Jones, McClammy, Merrimon, Morehead, Murphy, ls, Price, Robbins of Davidson, Robbins of Rowan, Troy 1 Worth—20.

Negative—Messrs. Beasley, Bellamy, Brogden, Cook, wles, Crowell, Eppes, Latham, Linney, Love, McCotter and inner—12.

The question then reurring upon the adoption of section 2, amended, the yeas and nays were demanded. The Senate reed thereto, and the section was adopted. Yeas 22; Nays

Affirmative—Messrs. Adams, Battle, Brown, Dargan, Edrds, Fleming, Gilmer, Graham of Alamance, Graham of ange, Jones, Love, McClammy, Merrimon, Morehead, Mury, Olds, Price, Robbins of Davidson, Robbins of Rowan, inner, Troy and Worth—22.

Wegative—Messrs. Beasley, Bellamy, Brogden, Cook, Coun-Cowles, Eppes, Latham, Linney and McCotter—10.

The third section was then read.

The question recurring on the amendment offered by the mmittee on Propositions and Grievances to strike out eight hundred and insert two thousand, the yeas and nays were manded. The Senate agreed thereto, and the amendment of not prevail. Yeas 15; Nays 16.

Affirmative—Messrs. Beasley, Bellamy, Dargan, Edwards, pes, Gilmer, Graham of Orange, McClammy, McCotter, pore, Murphy, Price, Robbins of Rowan, Skinner and orth—15.

Negative-Messrs. Adams, Battle, Brogden, Brown, Cook,

Cowles, Crowell, Fleming, Jones, Latham, Linney, Love, Mrimon, Morehead, Robbins of Davidson and Troy—16.

The question then recurring upon the amendment offered the Committee on Propositions and Grievances to strike two hundred,

The amendment did not prevail.

The third section was then adopted.

The fourth section was read and adopted.

The fifth section was read.

The amendment offered by the committee prevailed, and t section as amended was adopted.

The remaining sections were then severally adopted, and tbill as amended passed second time.

The bill was read the third time.

Mr. Graham, of Orange, moved to perfect the title of t bill so as to make it read as follows: A bill to be entitled act in relation to the State Geologist, Superintendent and A sistant Superintendent of the Insane Asylum, Keeper of t Capitol and their salaries.

The motion prevailed, and the bill as amended passed t third time. Yeas 22; Nays 9.

Affirmative--Messrs. Adams, Battle, Cook, Council, Curri Dargan, Edwards, Fleming, Gilmer, Graham of Orange, Jone Love, McClammy, McCotter, Merrimon, Murphy, Price, Robins of Davidson, Robbins of Rowan, Skinner, Troy at Worth—22.

Negative—Messrs. Beasley, Bellamy, Brogden, Cowle Crowell, Eppes, Latham, Linney and Moore—9.

S. R. 667, H. R. 289, a resolution to provide for a casu deficit in Treasury. Read and passed third time. Yeas 24 Nays 6.

Affirmative—Messrs. Adams, Battle, Beasley, Brown, Coo. Council, Cowles, Currie, Dargan, Eppes, Fleming, Gilme Graham of Alamance, Graham of Orange, Jones, Lathan Lehman, Love, Mauney, McClammy, McCotter, Morehead Robbins of Rowan, Skinner and Worth—25.

Vegative—Messrs. Bellamy, Edwards, Linney, Merrimon, ore and Robbins of Davidson—6.

Ir. Price introduced a resolution concerning adjournment, ch was read and laid over under the rules.

message was received from the House of Representatives is smitting H. B. 577, a bill to be entitled an act for the bet-government of the Penitentiary, which was read first time, sed and referred to committee on penal institutions.

The Committee on Enrolled Bills reported as correctly ened,

Lesolution to raise a commission to examine into the accounts he Public Treasurer;

Resolution to print the act in relation to fees of county officers

Supreme Court Clerk;

Resolution in favor of James H. Enniss;

n act authorizing the county commissioners of Tyrrell nty to levy a special tax;

Which were duly ratified and transmitted to the Secretary State.

In motion of Mr. Linney, the Senate then adjourned until P. M.

### SENATE CHAMBER, 73 P. M., March 29th, 1871.

The Senate met pursuant to adjournment.

A message was received from the House of Representatives priming the Senate that the House had agreed upon articles impeachment against Edmund W. Jones, Judge of the Suior Court, for the Second Judicial District of North Caron, and would in due time exhibit said articles at the bar of Senate.

dr. Latham moved that a message be sent to the House of presentatives notifying that body that the Senate would reve the Managers on the part of the House, with the articles

of impeachment at such time as the House might choose select.

Mr. Love moved to amend the motion by striking out after word "impeachment" and inserting instead thereof, "at A. M., on first Wednesday, after third Monday in November

Pending the consideration of the amendment, the Dockeeper announced the presence of the honorable committee managers on the part of the House.

Mr. Love rose to a point of order, to wit: that no respon having been made to the message from the House, it was n in order for the managers to appear before the Senate. The Chair decided the point to be not well taken.

From this decision of the Chair, Mr. Robbins, of Rowa appealed to that of the House, and thereupon demanded the year and nays. The Senate agreed thereto, and the decision of the Chair stood as the decision of the Senate.

Affirmative—Messrs. Adams, Battle, Beasley, Bellam Cook, Cowles, Dargan, Edwards, Eppes, Fleming, Gilme Graham of Alamance, Graham of Orange, Hyman, Jone King, Latham, Lehman, McCotter, Merrimon, Moore, Muphy, Olds, Skinner, Troy and Worth—26.

Negative—Messrs. Crowell, Currie, Linney, Love, Robbi of Davidson and Robbins of Rowan—6.

Thereupon the Managers, at the invitation of the Presider came forward and exhibited articles of impeachment again Edmund W. Jones, Judge of the Superior Court for the Secon Judicial District of North Carolina, which were read by the Clerk, as follows:

the expireenth day of Marqinano three at a glash propins tond seventy noise at the town of dividuals of an the amenda the bound of the state of North Caroline, an amendad of the solution and in contempt and anisotropic the station, and in contempt and anisotropic the day, in a state of impercation of soid day, in a state of impercation placed from a public calload states there a state of another states in said

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ARTICLES EXHIBITED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH CAROLINA, IN THE NAME OF THEMSELVES AND ALL THE PEOPLE OF THE STATE OF NORTH CAROLINA, AGAINST EDMUND W. JONES, JUDGE OF THE SECOND JUDICIAL DISTRICT OF NORTH CAROLINA, IN MAINTENANCE AND SUPPORT OF THEIR IMPEACHMENT AGAINST HIM FOR HIGH MISDEMEANORS IN OFFICE.

#### ARTICLE I.

That the said Edmund W. Jones, Judge of the Superior Court for the second Judicial District of North Carolina, on the eighteenth day of March, in the year of our Lord one thousand eight hundred and seventy-one, at Raleigh, in the county of Wake and State of North Carolina, remindful of the solemn duties of his station, and in contempt and violation of the law, on the morning of said day, in a state of drunkenness, rode in a public omnibus through the public streets of said city to the public station of the North Carolina Railroad, at or near said city, when in a state of drunkenness, he passed from said omnibus with the aid of others to a public passenger coach on said railroad, destined for the town of Goldsboro', to the great scandal of his office, and the contempt of all good citizens.

### ARTICLE II.

That the said Edmund W. Jones, Judge of the Superior Court for the second Judicial District of North Carolina, on the eighteenth day of March, one thousand eight hundred and seventy-one, at the town of Goldsboro', in the county of Wayne, and State of North Carolina, unmindful of the solemn duties of his station, and in contempt and violation of the law, on the afternoon of said day, in a state of intoxication, passed from a public railroad station through a public street in said

town to the public hall at Gregory's hotel, in said town, when in a said state of drunkenness, with a bottle of spirituous liquors in his hand, he remained for some time, that is to say, for the space of half an hour, to the great scandal of his office, and the contempt of all good citizens.

#### ARTICLE III.

That the said Edmund W. Jones, Judge of the Superior Court of the second Judicial District of North Carolina, on the eighteenth day of March, in the year of our Lord one thousand eight hundred and seventy-one, at or near the town of Tarboro', in the county of Edgecombe, and State of North Carolina, at a public railroad depot on the evening of said day, unmindful of the solemn duties of his station, and in contempt and violation of the law in a state of drunkenness, was assisted from a railroad coach to a public omnibus, and in said conveyance through the public streets of said town, rode to a public hotel, where he was again assisted, in said state of drunkenness, to said public hotel, to the great scandal of his office and the contempt of all good citizens.

### ARTICLE IV.

That the said Edmund W. Jones, Judge of the Superior Court for the second Judicial District of North Carolina, on the twentieth day of March, in the year of our Lord one thousand eight hundred and seventy-one, at the town of Williamston, in the county of Martin, and State of North Carolina, whither the said Edward W. Jones, as Judge aforesaid, had gone in the discharge of his offical duties, said twentieth day of March being the regular day appointed by law for the holding of the Superior Court of said county, over which Court the said Edmund W. Jones was to preside as Judge, unmindful of the solemn duties of his station, and in contempt and violation of the law, in a state of drunkenness in a public street, and at a

public hotel in said town. was, and continued to be, to the great scandal of his office, and the contempt of all good citizens.

# ARTICLE V.

That said Edmund W. Jones, Judge of the Superior Court for the second Judicial District of North Carolina, on the twenty-first day of March A. D. 1871, at Williamston, in the county of Martin, and State of North Carolina, unmindful of the solemn duties of his office, and in contempt and violation of the law, in a state of drunkenness, was seen in a public street and in a public hotel in said town of Williamston, said twenty-first day of March, being a day during the regular term of the Superior Court of said county, set apart by the said Edmund W. Jones, for the hearing of a cause at chambers before him, the said Edmund W. Jones as Judge, in said town, to the great scandal of his office and contempt of all good citizens.

And the House of Representatives, by protestation, saving to themselves the liberty of exhibiting at any time hereafter, any further articles, or other accusation of impeachment against the said Edmund W. Jones, and also of replying to his answers which he shall make unto the articles herein preferred against him, and offering proof to the same, and being part thereof, and to all and every other articles, accusation or impeachment which shall be exhibited by them as the case shall require, do demand that the said Edmund W. Jones may be put to answer the high misdemanors in office herein charged against him, and that such proceedings, examinations, trials and judgments may be thereupon had and given as may be agreeable to law and justice.

THOS. J. JARVIS.

Speaker of House of Representatives.

W. W. GAITHER,

Clerk of House of Representatives.

Thereupon the presiding officer notified the House through their manager that the Senate would take proper order on the articles of impeachment of which due notice would be given to the House of Representatives.

The managers then retired.

Mr. Gilmer moved that the Senate do now proceed to organize itself as a court of impeachment.

Mr. Love moved to lay that motion on the table, and upon this latter motion demanded the yeas and nays. The Senate agreed thereto, and the motion to lay on the table did not prevail. Yeas 4; Nays 28.

Affirmative—Messrs. King, Linney, Love and Merrimon—4. Negative—Messrs. Adams, Battle, Beasley, Bellamy, Cook, Cowles, Currie, Dargan, Edwards, Eppes, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, Latham, Lehman, McClammy, McCotter, Moore, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy and Worth—28.

The previous question having been called, the Senate ordered the main question to be now put, and thereupon the motion of Mr. Gilmer prevailed, and the Senate proceeded to organize and sit as a court of impeachment.

The court having adjourned, the Senate was called to order by the Chair.

Leave of absence was granted to Mr. Morehead for three days.

Mr. Merrimon introduced the following resolution:

Resolved, That hereafter during the present session of this General Assembly, there shall be two sessions of the Senate daily, beginning respectively at 10 o'clock A. M., and at 3½ o'clock P. M.

Upon the adoption of the resolution, Mr. Graham, of Alamance demanded the yeas and nays. The Senate agreed thereto, and the resolution was adopted. Yeas 16; Nays 13.

Affirmative—Messrs. Beasley, Cook, Cowles, Dargan, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Latham, Linney, Merrimon, Moore, Murphy, Robbins of Davidson, Robbins of Rowan and Worth—16.

Negative—Messrs. Adams, Battle, Bellamy, Crowell, Edwards, Eppes, Jones, Love, McClammy, McCotter, Skinner and Troy—13.

Mr. Latham moved that the Senate do now adjourn.

Upon this motion Mr. Love demanded the yeas and nays. The Senate agreed thereto, and the motion prevailed. Yeas 19; Nays 8.

Affirmative—Messrs. Beasley, Bellamy, Cook, Cowles, Dargan, Edwards, Eppes, Graham of Alamance, Graham of Orange, Hyman, Jones, Latham, Lehman, McCotter, Robbins of Davidson, Robbins of Rowan, Skinner, Troy and Worth—19.

Negative—Messrs. Adams, Battle, Crowell, Fleming, Linney, Love, McClammy and Murphy—8.

The Senate then adjourned.

## NINETY-SECOND DAY.

SENATE CHAMBER, March 28th, 1871.

The Senate met pursuant to adjournment.

Mr. Allen presented petition of agriculturists of Duplin county, in reference to the evil of purchasing stolen agricultural products, which was referred to the judiciary committee.

Mr. Gilmer presented petition of citizens and merchants of Greensboro', which was read and referred to finance committee.

The Committee on Engrossed Bills reported as correctly engrossed,

S. B. 89, a bill to be entitled an act to provide for the reduction and settlement of the public debt;

S. B. 479, a bill to be entitled an act in relation to road steamers:

S. B. 670, a bill to be entitled an act to repeal an act entitled an act to amend the charter of the W. N. C. R. R. Company, ratified the 19th day of August, A. D. 1868, and for other purposes;

Amendment to H. B. 495, S. B. 556, a bill to be entitled an act supplemental to an act passed at the present General Assembly, entitled an act to lay off and establish a county by the name of Swain, which were sent to the House of Representatives for concurrence.

The Committee on Penal Institutions reported favorably on S. B. 673, H. B. 577, a bill to be entitled an act for the better government of the penitentiary, and the bill was made special order for  $10\frac{1}{2}$  o'clock, A. M., to-morrow.

The following bills were introduced by message from the House of Representatives, read and passed first time and referred, or otherwise disposed of, as follows:

H. B. 588, a bill to be entitled an act in regard to the city of Charlotte. Referred to committee on corporations.

H. R. 381, resolution concerning per diem, &c. Laid over under the rules.

H. B. 628, a bill to be entitled an act to incorporate the North State Lodge, I. O. O. F. Referred to committee on corporations.

H. B. 677, a bill to be entitled an act to change the time of holding the Spring terms of the Superior Courts of Beaufort and Pitt counties for the year 1871.

The rules were suspended and bills acted on, as follows:

S. B. 483, H. B. 84, a bill to be entitled an act for the relief of James M. Young, sheriff of Buncombe county.

The amendments offered by the Committee on Propositions and Grievances were adopted.

Mr. Merrimon moved to amend, as follows:

Add to section 1: And provided, That said James M. Young shall not be subject to the provisions of the act to compel sheriffs to settle the public taxes, ratified March 21st, 1871, until after 1st day of May, 1871.

In line 2, section 1, after word county, insert words "and T. W. Taylor, sheriff of Henderson county."

In line 9, section 1, strike out April and insert May.

The amendments were severally adopted, and the bill as amended passed the second and third times.

S. B. 562, H. B. 434, a bill to be entitled an act to authorize the city of Wilmington to make conveyance in fee simple to a certain lot. Read and passed second and third times.

S. B. 590, H. B. 499, a bill to be entitled an act to incorporate the town of Murphy, in Cherokee county. Read and passed second and third times.

S. B. 599, H. B. 312, a bill to be entitled an act to change the time of holding the Superior Courts of New Hanover county. Read and passed second and third times. Yeas 34; Nays none.

Affirmative—Messrs. Adams, Battle, Beasley, Brogden, Brown, Cook, Conneil, Cowles, Crowell, Currie, Dargan, Edwards, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Latham, Lehman, Linney, Love, McClammy, McCotter, Merrimon, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy and Worth—34.

Negative-None.

H. B. 677, a bill to be entitled an act to change the time of holding the Spring terms of the Superior Courts of Beaufort and Pitt counties, for the year 1871. Read and passed second and third times. Yeas 30; Nays none.

Affirmative—Messrs. Adams, Battle, Beasley, Brogden, Brown, Council, Cowles, Currie, Dargan, Edwards, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Latham, Lehman, Linney, Love, McClammy,

McCotter, Murphy, Norment, Olds, Robbins of Davidson, Skinner, Troy and Worth-30.

Negative-None.

S. B. 613, a bill to be entitled an act to amend chapter 258, of the private laws of 1858-'59. Read and passed second and third times. Yeas 31; Nays none.

Affirmative—Messrs. Adams, Battle, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Fleming, Giliner, Graham of Alamance, Graham of Orange, Jones, King, Latham, Linney, Love, McClammy, McCotter, Merrimon, Moore, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy and Worth—31.

Negative-None.

Mr. Linney moved to suspend the rules for the purpose of considering S. B. 402, H. B. 48, a bill to be entitled an act in regard to voting on separate ballot.

Upon this motion Mr. McClammy demanded the yeas and nays. The Senate agreed thereto, and the motion prevailed. Yeas 29; Nays 8.

Affirmative—Messrs. Allen, Battle, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Linney, Love, McClammy, Merrimen, Moore, Murphy, Norment, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Troy and Worth—29.

Negative—Messrs. Beasley, Bellamy, Brogden, Eppes, Hyman, King, Lehman and Olds—8.

The bill was read the second time.

Mr. Linney moved the following amendment, to come in at end of section 1: "for their respective offices." The amendment prevailed, and the bill passed the second time.

The bill was then read and passed the third time. Yeas 27; Nays 11.

Affirmative—Messrs. Adams, Allen, Battle, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Jones, La-

tham, Linney, Love, McClammy, Merrimon, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner and Worth—27.

Negative—Messrs. Beasley, Bellamy, Brogden, Eppes, Hyman, King, McCotter, Moore, Olds, Price and Troy—11.

The amendment was ordered to be forthwith engrossed and transmitted with the bill to the House of Representatives for concurrence.

The Committee on Finance reported favorably upon

H. B. 543, S. B. 674, a bill to be entitled an act to amend an act to provide for the collection of taxes by the State and counties of the State on property, polls and income, ratified the 28th day of March, A. D. 1870.

Mr. Graham, of Orange, moved to suspend the rules to put the bill on its second and third readings.

And upon this motion demanded the yeas and nays. The Senate agreed thereto, and the motion prevailed. Yeas 32; Nays 5.

Affirmative—Messrs. Adams, Allen, Battle, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Latham, Linney, Love, McClammy, McCotter, Merrimon, Moore, Murphy, Norment, Price, Robbins of Davidson, Robbins of Rowan, Troy and Worth—32.

Negative—Messrs. Beasley, Bellamy, Brogden, Eppes and Olds—5.

Mr. Graham, of Orange, moved that the bill be read and considered by sections. The motion prevailed.

Sections 1, 2, 3, 4 and 5, were read and adopted without objection.

Section 6 was read.

Mr. Gilmer moved to strike out all after words "in which," in line 3, and insert "the tax payer resides under rules and regulations to be prescribed by the Board of Commissioners."

Upon this amendment, the yeas and nays were demanded.

The Senate agreed thereto, and the amendment did not prevail. Yeas 15; Nays 17.

Affirmative—Messrs. Adams, Battle, Beasley, Bellamy, Brown, Council, Cowles, Fleming, Gilmer, Hyman, Latham, Linney, Moore, Skinner and Worth—15.

Negative—Messrs. Brogden, Cook, Crowell, Currie, Dargan, Edwards, Graham of Alamance, Graham of Orange, Jones, King, Love, McClammy, McCotter, Murphy, Robbins of Davidson, Robbins of Rowan and Troy—17.

Mr. Linney moved to add the following proviso:

Provided, That in all cases in which any tract of land may be divided by a county line, the owner thereof may make his return in the county where the most valuable part lies.

The amendment did not prevail. The section was then adopted.

The 7, 8, 9 and 10th sections were then severally read and adopted, without objection.

Section 11 was then read.

Mr. King moved to insert after word "furniture," in line 19, the words "stock and poultry." The amendment did not prevail.

Mr. Robbins, of Davidson, moved to strike out words one hundred, in lines 21 and 23, and instead thereof insert words two hundred.

Mr. Fleming called for a division of the question, and the question recurring first upon the motion to strike out, the yeas and nays were demanded. The Senate agreed thereto, and the motion to strike out prevailed. Yeas 24; Nays 9.

Affirmative—Messrs. Adams, Beasley, Brogden, Cook, Council, Cowles, Eppes, Fleming, Gilmer, Graham of Alamance, Hyman, King, Latham, Lehman, Linney, Merrimon, Moore, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner and Troy—24.

Negative—Messrs. Crowell, Currie, Dargan, Edwards, Graham of Orange, Jones, Love, McClammy and Worth—9.

Mr. Cowles moved to insert in the blank the words "three hundred."

Mr. Merrimon moved to reconsider the vote just taken by which the Senate agreed to strike out the words "one hundred."

Mr. Cowles moved to lay that motion on the table, and upon this latter motion demanded the yeas and nays. The Senate agreed thereto, and the motion to lay on the table prevailed. Yeas 18; Nays 14.

Affirmative—Messrs. Adams, Bellamy, Brogden, Cook, Council, Cowles, Eppes, Fleming, Hyman, King, Latham, Linney, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner and Troy—18.

Negative—Messrs. Crowell, Currie, Dargan, Edwards, Gilmer, Graham of Alamance, Graham of Orange, Jones, Love, McClammy, McCotter, Merrimon, Murphy and Worth—14.

Mr. Brogden moved to insert "two hundred and fifty." The motion did not prevail.

The question recurring upon the motion of Mr. Cowles to insert the words "three hundred," the yeas and nays were demanded. The Senate agreed thereto, and the motion did not prevail. Yeas 16; Nays 17.

Affirmative—Messrs. Adams, Beas'ey, Bellamy, Brogden, Cook, Council, Cowles, Eppes, Fleming, King, Latham, Lehman, Linney, Norment, Olds and Robbins of Rowan—16.

Negative—Mcssrs. Crowell, Currie, Dargan, Edwards, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, Love, McClammy, Merrimon, Murphy, Robbins of Davidson, Skinner, Troy and Worth—17.

The question then recurring upon the motion of Mr. Robbins, of Davidson, to insert the words two hundred. The yeas and nays were demanded. The Senate agreed thereto, and the motion prevailed. Yeas 25; Nays 10.

Affirmative-Messrs. Adams, Beasley, Bellamy, Brogden,

Brown, Cook, Council, Cowles, Currie, Eppes, Gilmer, Graham of Alamance, Hyman, King, Latham, Lehman, Linney, McCotter, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner and Troy—25.

Negative—Messrs. Crowell, Dargan, Edwards, Graham of Alamance, Jones, Love, McClammy, Merrimon, Murphy and Worth—10.

The 11th section as amended, was then adopted.

Sections 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 and 37, were severally read and adopted.

Section 38 was read.

Mr. King moved to strike out "January," and insert "March" instead thereof.

The motion did not prevail.

The remaining sections were then read and adopted without objection.

The bill as amended then passed the second time.

The bill was then read the third time.

Mr. Worth moved to add to sub-division 5, section 11, the following: *Provided further*, No exemption shall apply to any one worth over five hundred dollars.

Upon this amendment the yeas and nays were demanded. The Senate agreed thereto, and the amendment did not prevail. Yeas 6; Nays 26

Affirmative—Messrs. Crowell, Currie, Dargan, Jones, Murphy and Worth—6.

Negative—Messrs. Adams, Battle, Bellamy, Brogden, Brown, Cook, Council, Cowles, Edwards, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hyman, King, Latham, Lehman, Linney, Love, McClammy, McCotter, Moore, Norment, Robbins of Davidson, Robbins of Rowan, Skinner and Troy—26.

Mr. Love moved to insert in line 9, section 28, atter word "year," the following: "and on failure so to do he shall pay

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o the county treasurer two per cent. per month, on all sums anpaid, and this shall be continued until final settlement."

The amendment prevailed.

Mr. Robbins, of Davidson, moved to add the following to ection 52: "And such tax collector shall have all the emolunents and be subject to all the penalties as provided in the ase of sheriffs in this act.

The amendment prevailed.

The bill then passed the third time. Yeas 29; Nays 5.

Affirmative—Messrs. Adams, Battle, Beasley, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Fleming, Filmer, Graham of Alamance, Graham of Orange, Jones, Laham, Linney, Love, McClammy, Merrimon, Moore, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Froy and Worth—29.

Negative—Messrs. Bellamy, Brogden, Hyman, King and McCotter—5.

The Committee on Enrolled Bills reported as correctly enolled

An act supplemental to an act entitled an act creating a commission to inquire into charges of corruption and frauds, atified the 8th day of February, 1871;

Resolution to provide for a casual deficit in the treasury;

Articles of impeachment against Edmund W. Jones, Judge of the Second Judicial District of North Carolina, which were satisfied and transmitted to the Secretary of State.

The Senate adjourned until 3½ P. M.

SENATE CHAMBER, 3½ P. M., March 28th, 1871.

The Senate met pursuant to adjournment.

Mr. Robbins, of Rowan, introduced a bill to be entitled an act bill to incorporate the Yadkin Railroad Company, which was read and passed first time.

The following bills and resolutions were then read and passed, without amendment, the second and third times:

S. R. 651, resolution in favor of S. Jones. Ordered to be forthwith engrossed and transmitted to the House of Representatives;

S. B. 587, H. B. 554, a bill to be entitled an act to authorize the Albemarle Swamp Land Company to construct a Railroad from Pantego to Indian river, in Beaufort county;

S. B. 526, H. B. 410, a bill to be entitled an act to incorporate the Co-operative Savings and Loan Association;

S. B. 509, a bill to be entitled an act to incorporate the Marion High School, in McDowell county;

S. B. 475, a bill to be entitled an act to incorporate the Verona Mining and Manufacturing Company;

S. B. 476, a bill to be entitled an act to incorporate the Southern Manufacturing Company;

S. B. 468, a bill to be entitled an act to incorporate a Savings Bank in the town of Magnolia, N. C.;

S. B. 518, a bill to be entitled an act to incorporate the Warrenton and Macon Turnpike Company;

S. B. 517, a bill to be entitled an act to incorporate the Cape Fear Guano Company;

S. B. 527, H. B. 414, a bill to be entitled an act to incorporate the Nevassa Guano Company of Wilmington;

S. B., a bill to be entitled an act to incorporate the Yadkin Railroad Company. Ordered to be forthwith engrossed and transmitted to the House of Representatives;

S. B. 635, H. B. 586, a bill to be entitled an act to incorporate the Statesville Air Line Railroad Company.

Mr. Hyman introduced a resolution in favor of J. L. Harrison, which was read and passed first time and referred to committee on claims.

The following bills and resolutions were then considered and acted on, as follows:

S. B. 557, H. B. 380, a bill to be entitled an act to incorporate the Georgia and North Carolina Railroad Company.

Mr. Love moved to strike out word "Macon," wherever the ame may occur in the bill, and insert the word "Swain." The mendment prevailed and the bill passed the second and third imes.

S. B. 489, H. B. 458, a bill to be entitled an act to amend n act to incorporate the Warm Springs Colony, in Madison ounty, ratified 15th February, 1871.

Mr. Merrimon moved to insert the following after the encing clause in section 1: "That the name and style of said orporation shall hereafter be the Warm Springs Manufacturag Colony, and by such name the said corporation shall have II the rights, powers, privileges, franchises and immunities onferred upon the Warm Springs Colony by its charter, raticed the 15th day of February, 1871." The amendment preailed.

Mr. Merrimon moved to further amend as follows: Strike ut in section 2, words "the Warm Springs Colony," and inert the word "corporation," instead thereof. The amendment revailed.

The bill as amended then passed the second and third times. S. B. 535, H. B. 326, a bill to be entitled an act to provide or the election of a tax collector for Gaston county.

The question recurring upon the adoption of the amendments proposed by the Committee on Propositions and Grievaces, the amendments did not prevail.

The bill then passed the second and third times.

S. B. 492, a bill to be entitled an act to amend an act entied an act in relation to proceedings in contempt, and to further efine the offence of contempt. Made special order for 10½. . M., Thursday, 30th March.

S. B. 544, a bill to be entitled an act to regulate appeals from the Superior Courts to the Supreme Court in capital cases. add special order for 10½ A. M., Wednesday, 29th March.

S. B. 500, H. B. 153, a bill to be entitled an act to establish new county by the name of Pamlico. Made special order for P. M., Thursday, 30th March.

S. B. 490, H. B. 119, a bill to be entitled an act to abolish the special court of the city of Wilmington.

Mr. Olds moved the following amendment to section 2: Provided, The question be submitted to the voters of the city of Wilmington. The amendment did not prevail, and the bill passed the second and third times. Yeas 25; Nays 3.

Affirmative—Messrs. Adams, Battle, Beasley, Bellamy, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming Hyman, King, Lehman, Love, McClammy McCotter, Merrimon, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Troy and Worth—25.

Negative-Messrs. Moore, Olds and Price-3.

S. B. 345, a bill to be entitled an act in relation to the liability of husbands upon contracts, &c.

Upon motion of Mr. Jones, the second section was stricken out, and the bill passed the second and third times. Yeas 28 Nays none.

Afirmative—Messrs. Adams, Battle, Beasley, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Graham of Alamance, Jones, King, Lehman, Linney, Love, McClammy, Merrimon, Murphy, Norment, Olds, Price, Robbin of Davidson, Robbins of Rowan, Skinner, Troy and Worth—28

Negative-None.

S. B. 349, a bill to be entitled an act to enable aliens to take hold and convey lands.

Mr. Gilmer moved the following amendment to come in a end of section 1, any law or usage to the contrary notwith standing.

The amendment prevailed.

Mr. Merrimon moved an amendment to come in as section 2. That all contracts to purchase or sell real estate by or with aliens heretofore made, shall be deemed and taken as valid to all intents and purposes.

The amendment prevailed.

The bill as amended then passed the second and third times Yeas 27; Nays none.

Affirmative—Messrs. Adams, Battle, Beasley, Cook, Council, Cowles, Crowell, Dargan, Eppes, Fleming, Gilmer, Graham of Alamance, Jones, King, Lehman, Linney, Love, McClammy Merrimon, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Troy and Worth—27.

Negative-None.

On motion of Mr. Currie, the Senate adjourned until 10 o, clock to-morrow morning.

## NINETY-THIRD DAY.

SENATE CHAMBER, March 29th, 1871.

The Senate met pursuant to adjournment.

Leave of absence was granted to Mr. Robbins, of Davidson, for Friday and Saturday.

The Committee on Engrossed Bills reported as correctly engrossed,

- S. B. 334, a bill to be entitled an act in relation to a board of internal improvement;
- S. B. 477, a bill to be entitled an act in relation to the meadows in Rockingham county;
- S. B. 494, a bill to be entitled an act in relation to salaries of certain officers;
- S. R. 673, resolution to print a certain act, which were transmitted to the House of Representatives for concurrence.

The Judiciary Committee reported favorably on

- S. B. 597, H. B. 186, a bill to be entitled an act regulating the appointment of guardians ad litem;
- S. B. 616, H. B. 287, a bill to be entitled an act to amend title 19, chapter 11, section 478 of the Code of Civil Procedure;
- S. B. 631, a bill to be entitled an act amending chapter 270, of the laws of 1868-'69; unfavorably on
  - S. B. 74, a bill to be entitled an act in relation to the lien

of mechanics, and other laborers and material men, upon buildings, lands and articles of personal property, &c.;

S. B. 610, a bill to be entitled an act to amend certain sections of the Code of Civil Procedure, and asked to be discharged from the further consideration of S. B. 640, H. B. 461, a bill to be entitled an act to amend chapter 106 of the public laws of North Carolina, passed at the session of the General Assembly of North Carolina of 1869—'70, and that the bill be referred to the committee on internal improvements.

The committee was discharged, and the bill referred to committee on internal improvements.

The Committee on Internal Improvements reported favorably on S. B. 665, a bill to be entitled an act to enable the N. W. N. C. R. R. Company to complete their road to Salem.

The Committee on Claims reported favorably on S. B. 343, a bill to be entitled an act to incorporate the Pungo River Swamp Land Company.

The following bills and resolutions were introduced, read and passed first time and referred, or otherwise disposed of, as follows:

By Mr. Battle, a bill to be entitled an act in relation to bastardy. Referred to judiciary committee.

By Mr. McCotter, resolution in favor of the tax collector of Pitt county. Referred to committee on claims.

By Mr. Cowles, a bill to be entitled an act to incorporate the Mount Airy and Central Railroad Company. Referred to committee on propositions and grievances.

By message from the House of Representatives, H. B. 293, a bill to be entitled an act in relation to the Insane Asylum of North Carolina. Placed on calendar.

H. B. 612, a bill to be entitled an act to incorporate the Haywood and Cane Creek Railroad Company. Made special order for to-morrow morning, at  $10\frac{1}{2}$  o'clock.

H. B. 330, a bill to be entitled an act to incorporate the Roanoke and Tar River Agricultural Society. Referred to committee on corporations.

H. B. 552, a bill to be entitled an act to incorporate the First Building and Loan Association of Statesville, N. C. Referred to committee on corporations.

H. B. 583, a bill to be entitled an act to authorize the county commissioners of Alexander county to levy a special tax. Placed on calendar.

H. B. 632, a bill to be entitled an act to authorize the commissioners of Moore county to issue bonds. Referred to committee on propositions and grievances.

H. B. 636, a bill to be entitled an act to raise revenue. Referred to committee on finance.

H. B. 640, a bill to be entitled an act to allow the board of county commissioners of Wilson county to issue bonds. Referred to committee on propositions and grievances.

House memorial 12, praying that Code of Civil Procedure may be abolished. Referred to committee on judiciary.

Mr. Graham, of Orange, introduced the following resolu-

Resolved, That no Senator shall speak more than once or longer than five minutes upon any act or resolution during remainder of this session, except by consent of a majority of the Senators present.

Which was read and adopted.

Mr. Robbins, of Davidson, introduced a resolution authorizing the Enrolling Clerk to employ clerical assistance, which was read and adopted.

The rules were suspended, and the bill was forthwith engrossed and transmitted to the House of Representatives for concurrence.

Mr. Speed asked and obtained leave to have his name recorded in the negative on the vote by which was passed, S. B. 89.

Mr. Jones moved that a committee of three Senators be appointed to examine the calendar of public bills and to take

therefrom such bills as do not demand immediate action on part of Senate. The motion prevailed, and the Chair designated Messrs. Linney, Lehman and Troy to constitute said committee.

The number of members of the Committee on Enrolled Bills having been enlarged, the Chair appointed Messrs Fleming and Troy on said committee.

At  $10\frac{1}{2}$  A. M., the special order for that hour was taken up, to wit: S. B. 673, H. B. 577, a bill to be entitled an act for the better government of the Penitentiary.

Mr. Olds moved to strike out the name of W. M. Boylan and insert instead thereof, the name of J. Q. A. DeCarteret.

A division of the question having been called for, and the question recurring first upon the motion to strike out, the Senate refused to strike out.

The bill then passed second time.

The bill was read third time.

Mr. Speed moved an amendment to come in as an a !ditional section.

SECTION 9. That no contract for work, material or other service shall be given or awarded to any member of the board either directly or indirectly.

The amendment prevailed, and the bill as amended, passed the third time. Yeas 29; Nays 6.

Affirmative—Messrs. Albright, Allen, Battle, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Flythe, Gilmer, Graham of Alamance, Hawkins, Jones, Latham, Linney, Love, McClammy, McCotter, Moore, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner and Worth—29.

Negative—Messrs. Beasley, Bellamy, Eppes, Hyman, King and Price—6.

A message was received from the House of Representatives transmitting S. B. 68, a bill to be entitled an act to provide a

system of public instruction, ratified 12th April, 1869, together with an amendment thereto, in the nature of a substitute therefor, adopted by the House.

The question recurring upon the amendment,

Mr. Robbins, of Davidson, moved that the Senate disagree thereto, and that a message be sent to the House asking a committee of conference.

Upon this motion the yeas and nays were demanded. The Senate agreed thereto, and the motion prevailed. Yeas 26; Nays 2.

Affirmative—Messrs. Albright, Battle, Beasley, Cook, Council, Cowles, Currie, Dargan, Edwards, Eppes, Flythe, Hawkins, Hyman, Jones, Latham, Linney, Love, McCotter, Merrimon, Moore, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Troy and Worth—26.

Negative-Messrs. Bellamy and Fleming-2.

The Chair designated Messrs. Robbins, of Davidson, King and Gilmer, to constitute committee of conference on the bill.

The following bills were read and passed without amendment the second and third times;

- S. B. 611, a bill to be entitled an act to amend the charter of the town of Edenton, in the county of Chowan;
- S. B. 622, H. B. 336, a bill to be entitled an act to incorporate the Louisburg Manufacturing Company;
- S. B. 645, H. B. 463, a bill to be entitled an act to incorporate the North Carolina Stock Raising and Fishing Company.

Bills and resolutions were then acted on, as follows:

- S. R. 504, resolution in favor of Patrick McGowan. Read and passed second time and referred to committee on claims;
- S. B. 544, a bill to be entitled an act to regulate appeals from the Superior Courts to the Supreme Court in capital cases. Read second time and was rejected.
- S. B. 654, a bill to be entitled an act for the protection of stock raising.

Mr. Love moved to add following proviso to the bill:

Provided, That this act shall not apply to the counties of Cherokee, Clay, Macon, Jackson, Swain and Haywood.

Mr. Eppes moved to amend the amendment by adding the word "Halitax" thereto. The amendment did not prevail.

The question recurring on Mr. Love's amendment, it was

not adopted.

Mr. Cowles moved to add the following to section 1: and that the Judge of Probate may rescind such order when in his judgment he committed an error in granting it. The amendment prevailed.

Mr. Lehman moved to add to section 1:

Provided further, That the party desiring to enter upon said lands as aforesaid shall make oath that he has good reason to believe that he has cattle or other live stock thereon.

The amendment prevailed.

The question recurring upon the passage of the bill the second time,

Mr. Love moved to lay the bill on the table. Upon this motion the yeas and nays were demanded. The Senate agreed thereto, and the motion to lay on the table prevailed. Yeas 21; Nays 14.

Affirmative—Messrs. Albright, Allen, Battle, Beasley, Brown, Council, Crowell, Edwards, Eppes, Flythe, Hawkins, King, Lehman, Love, McCotter, Olds, Price, Robbins of Rowan, Skinner, Troy and Worth—21.

Negative—Messrs. Bellamy, Cook, Cowles, Currie, Dargan, Fleming, Graham of Alamance, Graham of Orange, Hyman, Linney, McClammy, Murphy, Norment and Robbins of Davidson—14.

S. B. 497, a bill to be entitled an act to punish persons guilty of obtaining money, goods, &c., under false pretences. Read and passed second and third times. Yeas 32; Nays none.

Affirmative-Messrs. Albright, Allen, Beasley, Bellamy,

Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Fleming, Flythe, Graham of Alamance, Graham of Orange, Hawkins, King, Latham, Linney, Love, McCotter, Moore, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy and Worth—32.

Negative-None.

S. B. 548, a bill to be entitled an act to protect bona fide purchasers at sheriffs' sales for taxes in the year 1869.

Mr. Troy moved the following amendment to come in at the end of section 1:

Provided, That any person or persons whose land was sold within such period, shall be permitted to redeem the same within twelve months from this time by paying to the purchaser thereof the purchase money and twenty-five per cent additional.

The amendment prevailed.

The question recurring upon the passage of the bill on its second reading, the yeas and nays were demanded. The Senate agreed thereto, and the bill did not pass. Yeas 4; Nays 27.

Affirmative—Messrs. Dargan, Graham of Alamance, Graham of Orange and Love—4

Negative—Messrs. Albright, Allen, Battle, Beasley, Bellamy, Brown, Council, Cowles, Crowell, Currie, Edwards, Eppes, Fleming, Flythe, Hawkins, Hyman, King, Latham, Linney, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy and Worth—27.

S. B. 660, a bill to be entitled an act to construct a public bridge across the Yadkin river at or near the town of Wilksboro'. Read and passed the second time. Yeas 34; Nays none.

Affirmative—Messrs. Albright, Beasley, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Fleming, Flythe, Graham of Alamance, Graham of Orange, Hawkins,

Jones, King, Latham, Lehman, Linney, Love, McClammy, McCotter, Merrimon, Moore, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy and Worth—34.

Negative—None.

Made special order for to-morrow at 12 M.

S. B. 666, a bill to be entitled an act to repeal chapter 257, laws of 1868-'69. Read and passed second and third times. Yeas 35; Nays 1.

Affirmative—Messrs. Albright, Battle, Beasley, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Fleming, Flythe, Graham of Orange, Hawkins, Hyman, Jones, King, Latham, Lehman, Linney, Love, McClammy, McCotter, Merrimon, Moore, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Speed and Worth—35.

Negative—Mr. Bellamy—1.

S. B. 512, a bill to be entitled an act to prevent the forging and counterfeiting the private marks, tokens, stamps and labels of any mechanic, manufacturer, or other person. Read and passed second and third times. Yeas 32; Nays none.

Affirmative—Messrs. Albright, Battle, Beasley, Brown, Cook, Cowles, Crowell, Currie, Dargan, Edwards, Fleming, Flythe, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, King, Latham, Lehman, Linney, Love, McClammy, McCotter, Moore, Murphy, Norment, Olds, Robbins of Rowan, Skinner, Speed and Worth—32.

Negative-None.

S. B. 617, H. B. 516, a bill to be entitled an act to incorporate the Naval Extension Railroad Company. Read and passed second time. Yeas 30; Nays 1.

Affirmative-Messrs. Albright, Battle, Beasley, Cook, Brown, Council, Cowles, Dargan, Fleming, Flythe, Graham of Orange, Hawkins, Hyman, Jones, Latham, Lehman, Linney, Love, McClammy, McCotter, Merrimon, Moore, Murphy, Norment,

Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy and Worth—30.

Negative-Mr. King-1.

The Committee on Enrolled Bills reported as correctly enrolled,

An act authorizing the county commissioners of the county of Hertford to levy and collect a special tax;

An act to amend an act to incorporate the Bank of Mecklenburg;

An act to authorize the commissioners of Cabarrus county to levy a special tax;

An act to limit the powers of township trustees within the counties of Cherokee, Clay, Jackson, Henderson, Madison, Watauga and Carteret;

An act to authorize the county commissioners of Macon county to levy a special tax, which were ratified and transmitted to the Secretary of State.

The Senate then adjourned until 31 P. M.

## SENATE CHAMBER, 31 P. M., March 29th, 1871.

The Senate met pursuant to adjournment.

The following bills were read and passed without amendment the second and third times:

- S. B. 461, a bill to be entitled an act to prevent the obstruction of Newport river, in Carteret county;
- S. B. 528, H. B. 487, a bill to be entitled an act to incorporate the Peabody Educational Association, in Carteret county;
- S. R. 533, H. R. 110, resolution in favor of John Crisp, of Macon county;
- S. B. 539, H. B. 477, a bill to be entitled an act to incorporate the South River Draining Company;
- S. B. 577, a bill to be entitled an act to authorize the county commissioners of Anson county to issue bonds, &c.;

S. B. 608, H. B. 368, a bill to be entitled an act concerning the election of Commissioners of Navigation and Pilotage for the port of Beaufort, N. C.;

S. B. 619, a bill to be entitled an act to incorporate the town

of Whitakers, in the county of Edgecombe;

S. B. 620, H. B. 549, a bill to be entitled an act to construct a railroad from Kinston to Kenansville;

S. B. 624, H. B. 528, a bill to be entitled an act in relation to obstructions in Nottaleh and Hiawassee rivers, in Cherokee county;

S. B. 665, a bill to be entitled an act to enable the North Western North Carolina Railroad Company to complete their road to Salem.

On motion of Mr. Murphy, the thirty-second rule of order was suspended for the remainder of the session, so far as relates to the engrossment and transmission of bills and resolutions to the House of Representatives, and the clerk ordered to transmit such bills and resolutions as soon as they shall have been correctly engrossed.

Bills and resolutions were then acted upon, as follows:

S. R. 626, H. R. 239, resolution in favor of G. W. and B. K. Dickey.

The amendment proposed by the Committee on Claims prevailed, and the resolution, as amended, passed the second and third times.

S. B. 567, a bill to be entitled an act to prevent the needless employment of legal counsellors.

The question recurring on the adoption of the amendment offered by the Judiciary Committee, Mr. Cook demanded the yeas and nays. The Senate agreed thereto, and the amendment prevailed. Yeas 22; Nays 8.

Affirmative—Messrs. Albright, Allen, Battle, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Fleming, Gilmer, King, Latham, Lehman, Love, McClammy, Murphy, Norment, Robbins of Davidson, Skinner and Troy—22.

Negative—Messrs. Beasley, Bellamy, Eppes, Linney, Mc-Cotter, Merrimon, Moore and Olds—8.

The bill then passed the second time.

The bill was then read the third time.

Mr. Love moved to insert after word State, in line 4, section 2, except as provided in this act. The amendment prevailed, and the bill passed the second and third times. Yeas 24; Nays 4.

Affirmative—Messrs. Albright, Allen, Battle, Beasley, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Gilmer, King, Latham, Lehman, Linney, Love, Merrimon, Murphy, Norment, Skinner, Speed, Troy and Worth—24.

Negative—Messrs. Bellamy, Eppes, Flythe and Moore—4.

S. B 352, a bill to be entitled an act for the protection of Fairs. Read and passed second and third times. Yeays 27; Nays none.

Affirmative—Messrs. Albright, Battle, Beasley, Bellamy, Cook, Council, Crowell, Currie, Dargan, Edwards, Eppes, Flythe, Gilmer, King, Lehman, Linney, Love, McClammy, McCotter, Merrimon, Murphy, Norment, Olds, Robbins of Davidson, Speed, Troy and Worth—29.

Negative-None.

S. B. 602, H. B. 536, a bill to be entitled an act to authorize the commissioners of Harnett county to levy a special tax and for other purposes. Read and passed second time. Yeas 25; Nays 4.

Affirmative—Messrs. Allen, Battle, Beasley, Brown, Cook, Cowles, Crowell, Currie, Dargan, Edwards, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, King, Latham, Lehman, Linney, McClammy, McCotter, Moore, Murphy, Skinner and Troy—25.

Negative—Messrs. Flythe, Norment, Robbins of Davidson and Speed—4.

Made special order for to-morrow 12 M.

S. B. 543, H. B. 298, a bill to be entitled an act to authorize the commissioners of Gaston county to levy a special tax for

the purpose of repairing a bridge, &c. Read the second time.

The question recurring upon the passage of the bill, and the yeas and nays having been taken, the Clerk reported that a quorum had not voted.

The Clerk was proceeding under the rule to call the roll of Senators and report the absentees,

When Mr. Latham moved that the Senate do now adjourn. The motion prevailed.

## NINETY-FOURTH DAY.

SENATE CHAMBER, March 30th, 1871.

The Senate met pursuant to adjournment

The following bills and resolutions were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. McClammy, resolution in favor of J. W. Schenck, jr., sheriff of New Hanover county;

By Mr. Graham, resolution in favor of Clerks of Court of Impeachment;

By Mr. Norment, resolution in favor of J. T. Bullard. ,To committee on claims.

By message from the House of Representatives.

H. B. 666, a bill to be entitled an act to authorize the county commissioners of Alamance county to levy and collect a special tax;

H. R. 148, resolution in favor of T. W. Patterson, late sheriff of Rochingham county;

By Mr. Love, resolution of enquiry concerning Public Grounds. Read and adopted.

The Committee on Finance reported favorably on

S. B. 692, H. B. 636, an act to raise revenue.

On motion of Mr. Graham, of Orange, the following bills

re read, and passed without amendment the second and ord times:

- 3. B. 618, a bill to be entitled an act in favor of the sureties Hugh B. Guthrie, late sheriff of Orange county;
- 3. B. 168, a bill to be entitled an act to amend charter of the den Land Company;
- 3. R. 536, H. R. 109, resolution in favor of B. W. Parten, Haywood county;
- H. R. 148, resolution in favor of T. W. Patterson, late sheriff Rockingham county;
- 3. R. 680, resolution in favor of J. L. Harrison.
- The following bills were acted on, as follows:
- 5. B. 683, H. B. 612, a bill to be entitled an act to incorpothe Haywood and Cane Creek Railroad Company. The was read the third time.
- Mr. Troy moved to strike out, in section 11, all after word ads." The motion prevailed.
- Mr. Troy moved to further amend the bill by adding to sec1 10, the following:

But it shall not be lawful for the Chatham Railroad Comby to discriminate in the freight or passenger tariffs against t portion of its road west of the junction with said Haywood C. C. Railroad, or to pro rate with the said H. & C. C. ad in manner to effect such discrimination, but that all rates freight per mile on said road from Haywood east shall be same as that passing over the said road west of said junction.

The amendment prevailed. The bill as amended then sed the third time.

- 3. B. 692, H. B. 630, a bill to be entitled an act to raise enue.
- Mr. Robbins, of Davidson, moved to strike out the second ion of class 1. Upon this motion the yeas and nays were

demanded. The Senate agreed thereto, and the motion strike out prevailed. Yeas 23; Nays 14.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Beley, Bellamy, Brogden, Brown, Cook, Cowles, Crowell, Curr Eppes, Flythe, King, Latham, Linney, Mauney, Normel Olds, Robbins of Davidson, Robbins of Rowan and Skinn—23.

Negative—Messrs. Council, Dargan, Edwards, Fleming, G mer, Graham of Alamance, Graham of Orange, Hawkins, H man, Jones, Love, McClammy, Merrimon, Troy and Worth—1

Mr. Robbins, of Davidson, moved to strike out in section class 1, word "twelve" and insert word "six."

Upon this motion the yeas and nays were demanded. To Senate agreed thereto, and the motion did not prevail. Years, Nays 23.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Blamy, Brogden, Brown, Cook, Council, Cowles, Crowell, Kin Linney, Mauney, McCotter, Robbins of Davidson and Robbi of Rowan—17.

Negative—Messrs. Beasley, Currie, Dargan, Edwards, Flering, Flythe, Gilmer, Graham of Alamance, Graham of Orang Hawkins, Hyman, Jones, Latham, Lehman, Love, McClamm Merrimon, Murphy, Norment, Price, Skinner, Speed, Trand Worth—23.

Mr. Cowles moved to reconsider the vote by which section class 1, was stricken out. The motion prevailed.

The question then recurring upon the motion to strike of section 2, class 1, Mr. Dargan demanded the years and may The Senate agreed thereto, and the motion to strike out do not prevail. Yeas 15; Nays 26.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Belamy, Brogden, Brown, Council, King, Mauney, Merrimo Moore, Robbins of Davidson, Robbins of Rowan and Skinne—15.

Negative—Messrs. Beasley, Cook, Council, Cowles, Curri Dargan, Edwards, Fleming, Flythe, Gilmer, Graham of Al nce, Graham of Orange, Hawkins, Hyman, Jones, Latham, hman, Linney, Love, McClammy, McCotter, Murphy, grment, Price, Speed, Troy and Worth—26.

Mr. Linney moved to strike out section 3, class 1.

[Jpon this motion Mr. Cook demanded the yeas and nays.]
2 Senate agreed thereto, and the motion to strike out did prevail. Yeas 14; Nays 22.

Affirmative—Messrs. Adams, Albright, Bellamy, Brogden, bk, Council, Cowles, Crowell, Linney, Mauney, Moore, rphy, Robbins of Davidson and Robbins of Rowan—14.

Negative—Messrs. Battle, Beasley, Brown, Currie, Dargan, wards, Fleming, Flythe. Gilmer, Graham of Alamance, pham of Orange, Hawkins, Hyman, Jones, Love, Memmy, McCotter, Merrimon, Norment, Price, Troy and orth—22.

Ir. Merrimon moved to strike out in section 1, class 1, words "twenty-two" and insert the word "fifteen." The ion did not prevail.

Ir. Price moved to strike out in section 6, schedule 13, and one per cent. and insert thereof ten per cent. The sion did not prevail.

Ir. Gilmer moved to strike out in same section words one cent. upon the gross receipts, and insert a tax of fifty ars The motion did not prevail.

fr. Cowles moved to strike out in section 10, schedule B., ds twenty-five and insert instead thereof word fifty, and in this motion demanded the yeas and nays. The Senate seed thereto, and the motion did not prevail. Yeas 11; 326.

ffirmative—Messrs. Albright, Battle, Cook, Council, bles, Dargan, Gilmer, Linney, Merrimon, Murphy and orth—11.

Vegative—Messrs. Allen, Beasley, Brogden, Brown, Crow-Currie, Edwards, Eppes, Fleming, Flythe, Graham of large, Hawkins, Hyman, Jones, King, Lehman, Love, Mauney, McClammy, McCotter, Moore, Norment, Price, Robins of Davidson, Skinner and Troy—26.

Mr. Cook moved to strike out section 12 of the bill. T motion did not prevail. The bill then passed the second tir Yeas 19; Nays 15.

Affirmative— Messrs. Adams, Brown, Cowles, Currie, D gan, Edwards, Gilmer, Graham of Alamance, Graham Orange, Hyman, Jones, Lehman, Love, McClammy, McCott Merrimon, Murphy, Price and Worth—19.

Negative—Messrs. Albright, Allen, Battle, Bellamy, Broden, Cook, Crowell, Eppes, King, Linney, Mauney, Robb of Davidson, Robbins of Rowan, Skinner and Speed—15.

Made special order for 11 o'clock, A. M., to-morrow.

S. B. 492, a bill to be entitled an act to amend an act of titled an act in relation to proceedings in contempt, and further define the offence of contempt. Read and pass second and third times. Yeas 31; Nays 3.

Affirmative—Messrs. Adams, Albright, Allen, Brown, Co Council, Cowles, Crowell, Currie, Dargan, Edwards, Fleming Flythe, Gilmer, Graham of Alamance, Graham of Oran Hyman, Jones, King, Latham, Mauney, McClammy, Memon, Murphy, Norment, Robbins of Davidson, Robbins Rowan, Skinner, Troy, Warren and Worth—31.

Negative—Messrs. Beasley, Eppes and Speed—3.

S. B. 689, a bill to be entitled an act to incorporate the 1 Airy and Central Railroad Company. Read and passed sectime. Yeas 31; Nays none.

Affirmative—Messrs. Albright, Allen, Battle, Brogd Cook, Council, Cowles, Crowell, Dargan, Edwards, Flyt Gilmer, Graham of Alamance, Graham of Orange, Hawki Hyman, Jones, King, Linney, Love, Mauney, McClamp McCotter, Merrimon, Moore, Murphy, Norment, Robbins Davidson, Robbins of Rowan, Skinner and Worth—31.

Negative-None.

The Committee on Enrolled Bills reported as correctly rolled,

An act to authorize the city of Wilmington to perfect title to a certain lot in said city, conveyed to the Giblum Lodge No. 2, Free and Accepted A. Y. Masons;

An act to repeal an act entitled an act to prevent the sale of spirituous liquors within three miles of Silver Hill, Davidson county, ratified the 14th day of December, A. D. 1869;

An act to prevent the sale of spirituous liquors within two

miles of Point Caswell, in New Hanover;

An act to abolish the special courts of the cities of Newbern and Wilmington;

An act to change the time of holding the superior courts of New Hanover county;

An act to incorporate the Nevassa Guano Company of Wilmington;

An act in relation to road steamers;

An act in relation to obstructions in Nottaleh and Hiawassee rivers, in Cherokee county;

An act to authorize the Albemarle Swamp Land Company ito construct a railroad from Pantego to Indian river, in Beaufort county;

An act to incorporate the town of Murphy, in Cherokee

An act for the relief of the tax payers of Buncombe county, which were ratified and transmitted to the Secretary of State.

The following bills and amendments reported as correctly cengrossed, were transmitted to the House of Representatives for concurrence:

- S. B. 345, a bill to be entitled an act in relation to the liability of husbands upon contracts, &c.;
- S. B. 349, a bill to be entitled an act to enable aliens to take shold and convey lands;
- S. B. 352, a bill to be entitled an act for the protection of Fairs;
- S. B. 468, a bill to be entitled an act to incorporate a Savings Bank at the town of Magnolia, N. C.;

S. B. 475, a bill to be entitled an act to incorporate the Verona Mining and Manufacturing Company;

S. B. 476, a bill to be entitled an act to incorporate the

Southern Manufacturing Company;

S. B. 497, a bill to be entitled an act to punish persons guilty of obtaining goods, &c., under false pretences;

S. R. 504, resolution in favor of Patrick McGowan;

S. B. 509, a bill to be entitled an act to incorporate the Marion High School, in McDowell county;

S. B. 512, a bill to be entitled an act to prevent the forging and counterfeiting the private marks, tokens, stamps and labels of a Mechanic, Manufacturer or other person;

S. B. 517, a bill to be entitled an act to incorporate the Cape

Fear Guano Company;

S. B. 518, a bill to be entitled an act to incorporate the Warrenton and Macon Turnpike Company;

S. B. 567, a bill to be entitled an act to prevent the needless

employment of legal counsellors;

S. B. 577, a bill to be entitled an act to authorize the county commissioners of Anson county to issue bonds, &c.;

S. B. 611, a bill to be entitled an act to amend the charter of the town of Edenton, in the county of Chowan;

S. B. 613, a bill to be entitled an act to amend chapter 258 of the private laws of 1858-'59;

S. R. 651, resolution in favor of S. Jones;

S. B. 665, a bill to be entitled an act to enable the N. W. N. C. R. R. Company to complete their road to Salem;

S. B. 666, a bill to be entitled an act to repeal chapter 257,

laws 1868-'69;

S. B. 678, a bill to be entitled an act to incorporate the Yadkin Railroad Company;

S. R. 693, resolution in favor of J. W. Schenck, jr., sheriff of New Hanover county;

S. R. 694, resolution in favor of the clerks of the court o impeachment;

Amendment to H. B. 577, S. B. 672, a bill to be entitled an act for the better government of the Penitentiary;

Amendment to H. B. 306, S. B. 553, a bill to be entitled an act to amend section 199, chapter 4, of the Code of Civil Procedure, concerning attachment.

Amendment to S. B. 483, H. B. 84, a bill to be entitled an act for the relief of James H. Young, sheriff;

Amendment to S. B. 674, H. B. 543, a bill to be entitled an act to amend an act to provide for the collection of taxes by the State, and the several counties of the State, on property, polls and income, ratified 28th March, 1870;

Amendment to S. B. 402, H. B. 48, a bill to be entitled an act in regard to voting on separate ballot;

Amendment to S. B. 489, H. B. 458, a bill to be entitled an an act to amend an act to incorporate the Warm Springs Colony;

Amendment to S. R. 626, H. R. 239, resolution in favor of G. W. & B. K. Dickey;

Amendment to S. B. 557, H. B. 380, a bill to be entitled an act to incorporate the Georgia and North Carolina Railroad Company;

S. B. 553, H. B. 305, a bill to be entitled an act to amend section 199, chapter 4, of the Code of Civil Procedure. Read and passed second and third times. Yeas 32; Nays 1.

Affirmative—Messrs. Adams, Albright, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, King, Linney, Love, Mauney, McCotter, Moore, Murphy, Norment, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy and Worth—32.

Negative—Mr. Bellamy—1.

The Senate then, on motion, adjourned until 31 P. M.

FORT Alfared School to a continuous

SENATE CHAMBER, 31 P. M., March 30th, 1871.

The Senate met pursuant to adjournment.

Leave of absence was granted to Mr. King from and after Friday to Monday evening.

S. B. 695, H. B. 666, a bill to be entitled an act to authorize the county commissioners of Alamance county to levy a special tax, was made special order for to-morrow morning at a quarter before 11 o'clock.

The consideration of S. B. 500, H. B. 153, a bill to be entitled an act to establish a new county by the name of Pamlico, special order for 4 P. M., was postponed until Saturday, and the bill made special order for  $3\frac{1}{2}$  P. M., on that day.

Leave of absence was granted to Mr. Graham, of Alamance, from Saturday until Thursday next.

The Chair announced Messrs. Latham, Jones and Moore as Senate branch of Committee of Investigation in relation to certain charges against John Pool, U. S. Senator.

Mr. McClammy moved to reconsider the vote by which S. B, 683, H. B. 612, a bill to be entitlee an act to incorporate the Haywood and Cane Creek Railroad Company, was passed the third time.

Upon this motion the yeas and nays were demanded. The Senate agreed thereto, and the motion to reconsider prevailed. Yeas 32; Nays 8.

Affirmative—Messrs. Albright, Allen, Battle, Beasley, Brown, Cook, Council, Cowles, Currie, Dargan, Edwards, Eppes, Fleming, Flythe, Hawkins, Hyman, Jones, Lehman, Linney, Love, Mauney, McClaminy, McCotter, Mcrrimon, Moore, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed and Worth—32.

Negative—Messrs. Bellamy, Brogden, Crowell, Gilmer, Graham of Orange, King, Murphy and Troy—8.

Mr. Jones then moved to reconsider the vote by which the amendment offered by Mr. Troy, to section 11, was adopted.

The motion to reconsider prevailed.

The question then recurring upon the adoption of the amendment proposed by Mr. Troy,

The amendment did not prevail.

Mr. Troy moved a further amendment to come in at end of section 11:

Provided, That the above mentioned act shall not be repealed until the H. and C. C. Railroad shall be completed to the Alamance line by way of Pittsboro'.

The amendment prevailed.

Mr. Troy moved to strike out in lines 10 and 11, section 12, the words "the said sum so subscribed paid," and insert instead thereof the words "pay the same."

The amendment prevailed.

Mr. Gilmer moved the following amendment to come in at the end of section 12:

Provided, That subscriptions made to the Chatham, either by the State, counties or individuals, heretofore made in consideration of the said Chatham Railroad's running its road to the Gulf, may be withdrawn, and shall not be enforced.

The amendment did not prevail.

The question recurring upon the passage of the bill the third time, the yeas and nays were demanded. The Senate agreed thereto, and the bill passed the third time. Yeas 28; Navs 12.

Affirmative—Messrs. Adams, Albright, Battle, Beasley, Brown, Currie, Dargan, Edwards, Eppes, Fleming, Flythe, Hawkins, Hyman, Jones, Lehman, Linney, Mauney, McClammy, McCotter, Merrimon, Moore, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner and Speed—28.

Negative—Messrs. Bellamy. Brogden, Council, Cowles, Crowell, Gilmer, Graham of Orange, King, Love, Murphy, Troy and Worth—12.

H. B. 452, a bill to be entitled an act to provide for the enlargement, completion, &c., of the Albemarle and Chesapeake Canal. Read and passed second and third times. Yeas 26; Nays 4.

Affirmative—Messrs. Adams, Albright, Battle, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Jones, King, Lehman, Linney, Mauney, McClammy, Price, Robbins of Rowan, Skinner, Troy and Worth—26.

Negative—Messrs. Brogden, Eppes, Hyman and Speed—4. S. B. 287, H. B. 270, a bill to be entitled an act to extend the time for the regulation of grants, deeds and other conveyances. Read and passed second and third times. Yeas 34; Nays 1.

Affirmative—Messrs. Adams, Albright, Battle, Beasley, Brogden, Brown, Council, Cowles, Crowell, Currie, Dargan, Edwards, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Jones, King, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Murphy, Norment, Price, Robbins of Davidson, Robbins of Rowan and Speed—34.

Negative-Mr. Bellamy-1.

On motion, the Senate adjourned until 10 o'clock to-morrow morning.

## NINETY-FIFTH DAY.

SENATE CHAMBER, March 31st, 1871.

The Senate met pursuant to adjournment.

Messages were received from the House of Representatives transmitting engrossed copies of amendments adopted by the House to Senate bills and resolutions, which were acted on as follows:

Amendment to S. B. 583, H. B. 674, a bill to be entitled an act for the relief of the sheriffs of Wayne, Wilson and other counties. The amendments were concurred in.

Amendment to S. B. 306, H. B. 619, in relation to the corporate limits of Thomasville. The amendment was concurred in.

Amendment to S. B. 353, H. B. 618, a bill to be entitled an act to amend an act to incorporate the McLean Hook and Ladder Company. The amendment was concurred in.

The following bills were introduced, read and passed first time, and placed on calendar:

By message from the House of Representatives,

H. B. 682, a bill to be entitled an act to amend an act to incorporate the Planters' Railroad Company;

H. B. 597, a bill to be entitled an act concerning Rock Spring Camp Ground, in the county of Lincoln, and incorporate a board of trustees thereof;

H. B. 635, a bill to authorize the commissioners of Camden county to levy a special tax;

H. B. 638, a bill to be entitled an act authorizing the county commissioners of Caswell county to collect a special tax;

H. B. 349, a bill to be entitled an act in favor of R. R. Mc-Call, sheriff of Caldwell county;

H. B. 606, a bill to be entitled an act to levy a special tax for the county of Beaufort;

H. B. 655, a bill to be entitled an act to authorize the county commissioners of Harnett county to appoint a processioner;

H. B. 445, a bill to be entitled an act concerning townships in the county of Cherokee;

H. B. 624, a bill to be entitled an act to change the town-ships of Lincoln county;

H. B. 491, a bill to be entitled an act concerning Ball's Creek Camp Ground, in Catawba county, and incorporate a new Board of Trustees;

H. B. 509, a bill to be entitled an act to amend the charter of the Caldwell and Watauga Turnpike Company;

H. B. 695, a bill to be entitled an act to incorporate the Waccamaw Baptist Church, of Columbus county, near Herrington;

H. B. 425, a bill to be entitled an act to regulate the issuing of executions upon judgments for the recovering of money;

H. R. 281, a resolution requesting our Senators and Representatives in Congress to use their influence to secure an appropriation to build a public building in the city of Newbern;

H. B. 651, a bill to be entitled an act to levy a special tax

for the county of Pitt;

H. R. 285 resolution in favor of Nazra Hinton and Ransom Harrison;

H. B. 555, a bill to be entitled an act to establish the boundary line between Granville and Person counties;

H. B. 513, a bill to be entitled an act in relation to the Waynesville Female Academy.

By Mr. Merrimon, a bill to be entitled an act to declare the Brevard, French Broad and Jones Gap Road a Turnpike.

By Mr. Edwards, resolution in relation to Buckhorn Chapel, in Hertford county.

Mr. Graham, of Orange, moved that hereafter all bills and resolutions introduced by Senators, or transmitted from the House of Representatives, be placed on the calendar without reference to any committee. The motion prevailed.

The following bills and resolutions were then read and passed second and third times, without amendment:

S. B. 554, H. B. 460, a bill to be entitled an act to charter the Culsagee Corundum Mining and Manufacturing Company;

S. B. 458, H. B. 310, a bill to be entitled an act to incorporate the town of Burnesville, in the county of Yancey;

S. B. 532, H. B. 433, a bill to be entitled an act to incorporate Elmwood Lodge of Ancient Free and Accepted Masons;

S. B. 507, H. B. 469, a bill to be entitled an act in relation to fishing in the waters of Pamplico and Tar rivers and of Tranter's creek;

S. B. 585, a bill to be entitled an act to authorize the Elizabeth City Ship-building Association;

S. B. 472, a bill to be entitled an act to incorporate the Asheville Savings Bank;

H. B. 596, S. B. 658, a bill to be entitled an act to authorize the commissioners of Cleveland county to issue bonds;

H. B. 317, S. B. 454, a bill to be entitled an act to prevent the telling of trees in the Yadkın river;

H. B. 281, S. B. 558, a bill to be entitled an act to incorporate the town of Jefferson, in the county of Ashe;

S. R. 639, a resolution re-appointing Dr. George W. Black-nall a member of the Board of Public Charities.

H. B. 223, S. B. 485, a bill to be entitled an act to repeal an act concerning the preservation of health of Beaufort harbor;

H. B. 333, S. B. 486, a bill to be entitled an act to legalize and make valid an election held in the town of Hendersonville, in the county of Henderson, for municipal officers of said town;

H. R. 293, S. R. 711, a resolution in favor of Hon. F. N. Strudwick;

S. R. 690, a resolution in favor of the tax collector of Pitt county;

H. B. 503, S. B. 525, a bill to be entitled an act to prevent the sale of spirituous liquors within one mile of Fort Hembree Academy, in Clay county;

H. B. 408, S. B. 523, a bill to be entitled an act to incorporate the trustees of Little River Academy, in Cumberland county;

H. B. 454, S. B. 531, a bill to be entitled an act to incorporate the Cabarrus Rocky River Bridge Company;

H. B. 377, S. B. 704, a bill to be entitled an act to appoint trustees of Pitt Academy, of Greenville;

S. B. 584, a bill to be entitled an act to amend the charter of the city of Wilmington;

H. B. 717, S. B. 708, a bill to be entitled an act for the

relief of J. W. Schenck, Jr., sheriff of New Hanover county; H. B. 628, S. B. 675, a bill to be entitled an act to incorporate the North State Lodge, I. O. O. F,

S. B. 575, a bill to be entitled an act to allow the passage of fish up the Pedee, Yadkin and Uwharrie rivers;

H. B. 351, S. B. 487, a bill to be entitled an act to authorize R. B. Webster and Robert Lewis to collect arrears of taxes;

H. B. 640, S. B. 688, a bill to be entitled an act to allow the county commissioners of Wilson county to issue bonds;

H. B. 545, S. B. 591, a bill to be entitled an act to incorporate the town of Carey;

S. B. 699, a bill to be entitled an act to declare the Brevard, French Broad and Jones Gap Road a Turnpike;

S. B. 543, a bill to be entitled an act to incorporate the Pungo River Swamp Land Company;

H. B. 11, S. B. 604, a bill to be entitled an act concerning the annexation of a portion of Caldwell county to the county of Watauga.

S. B. 505, a bill to be entitled an act to allow the passage of fish up the Pedee river.

S. B. 473, a bill to be entitled an act to incorporate the Ashville Savings Bank.

S. B. 704, H. B. 377, a bill to be entitled an act to appoint trustees of Pitt Academy, of Greenville, N. C.

Bills and resolutions were then acted on, as follows:

H. B. 605, S. B. 701, a bill to be entitled an act to extend an act to empower the commissioners of Cumberland county to levy a special tax. Special order for 10½ o'clock Saturday, 1st of April, 1871.

S. B. 521, H. B. 512, a bill to be entitled an act to prevent the sale of spirituous liquors near Montpelier Church, in Robeson county, and near Hallville, in Duplin county. Indefinitely postponed.

S. R. 455, H. R. 107, resolution instructing Keeper of Capitol to examine roof of Capitol, &c. Laid on the table.

S. R. 534, H. R. 239, resolution in favor of A. S. Hill; sheriff of Cherokee county. Laid on the table.

S. B. 529, H. B. 369, a bill to be entitled an act in favor of J. Kline, sheriff of Catawba county. Laid on the table.

S. B. 542, H. B. 493, a bill to be entitled an act authorizing John L. Wood, sheriff of Pasquotank county, to collect arrears of taxes. Laid on table.

S. B. 628, H. B. 560, a bill to be entitled an act to amend the charter of the town of Salisbury.

Mr. Robbins of Rowan, moved to add to section 2, "and the salary of the mayor shall not exceed two hundred dollars per year. The amendment was adopted, and the bill as amended passed the third time.

S. B. 516, a bill to be entitled an act to prevent the sale of spirituous liquors within two miles of Blockerville Academy, in county of Cymberland.

The amendment offered by Committee on Propositions and Grievances was adopted, and the bill as amended passed second and third times.

S. B. 478, a bill to be entitled an act to amend the charter of the Planters' Railroad Company, and to consolidate the same with the Wilmington and Onslow Railroad Company.

Mr. McClammy moved an amendment in the nature of a substitute for section 1, which was adopted, and the bill as amended passed second and third times.

H. R. 36, S. B. 419, a bill to be entitled an act to incorporate the Spartanburg, Columbus and Rutherford Railroad Company.

Mr. Merrimon moved to insert after the name of D. V. Rholles, in line 10, section 1, the names of J. D. McCleese, Dr. T. B. Twitty, Wm. D. Harris, Edward Townes, Dr. Wm. Huntley, J. K. Simpson, Wm. H. Miller, Dr. L. A. Mills, Beverly Morris, A. G. Logan and Tysel Ridings. The amendment was adopted, and the bill as amended passed the second and third times.

H. R. 463, resolution in favor of James M. Whedbee.

• The amendment offered by the Committee on Propositions and Grievances was adopted, and the resolution as amended passed second and third times.

S. B. 687, H. B. 632, a bill to be entitled an act to authorize the commissioners of Moore county to issue bonds. Read and

passed second time. Yeas 26; Nays 1.

Affirmative—Messrs. Adams, Allen, Beasley, Brogden, Brown, Council, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Flythe, Graham of Alamance, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Murphy, Skinner, Speed, Troy and Worth—26.

Negative-Mr. Norment-1.

S. B. 581, H. B. 200, a bill to be entitled an act to authorize the county commissioners of Bladen county to levy a special tax. The amendment offered by the Committee on Propositions and Grievances was adopted, and the bill passed the second time. Yeas 26; Nays 3.

Affirmative—Messrs. Adams, Albright, Beasley, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Lehman, Linney, Love, Mauney, McClammy, McCotter, Murphy, Olds, Skinner and Worth—26.

Negative—Messrs. Hyman, Moore and Norment-3.

S. B. 617, H. B. 516, a bill to be entitled an act to incorporate the Naval Extension Railroad Company. Read and passed third time. Yeas 27; Nays 1.

Affirmative—Messrs. Adams, Albright, Beasley, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Flythe, Gilmer, Graham of Alamance, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Murphy, Norment, Skinner and Worth—27.

Negative-Mr. Troy-1.

S. B. 607, H. B. 376, a bill to be entitled an act to authorize the county commissioners of Mitchell county to levy a special tax. Read and passed second time. Yeas 25; Nays 4.

Affirmative-Messrs. Adams, Brogden, Cook, Council,

Cowles, Crowell, Curric, Dargan, Edwards, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Linney, Love, Mauney, McClammy, McCotter, Morehead, Murphy, Skinner, Troy and Worth—25.

Negative—Messrs. Bellamy, Hyman, Moore and Norment—1.

S. B. 695, H. B. 666, a bill to be entitled an act to authorize the county commissioners of Alamance county to levy and collect a special tax. Read and passed second time. Yeas 27; Nays 7.

Affirmative—Messrs. Adams, Albright Allen, Brogden, Brown, Council, Crowell, Currie, Edwards, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Latham, Lehman, Linney, Love, Mauney, McClammy, McCotter, Murphy, Robbins of Rowan, Skinner, Speed and Worth—27.

Negative—Messrs. Beasley, Bellamy, Cook, Cowles, Eppes, Hyman and Norment—7.

Made special order for  $10\frac{1}{2}$  A. M. to-morrow.

S. B. 660, a bill to be entitled an act to construct a public bridge across the Yadkin river at or near the town of Wilkesboro'. Read and passed the third time. Yeas 27; Nays 4.

Affirmative—Messrs. Adams, Albright, Brogden, Brown, Cook, Council, Cowles, Currie, Dargan, Edwards, Eppes, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Latham, Linney, Mauney, McClammy, McCotter, Price, Robbins of Rowan, Skinner, Speed and Worth—27.

Negative—Messrs. Beasley, Bellamy, Moore and Norment—4.

S B. 686, H. B. 583, a bill to be entitled an act to authorize the county commissioners of Alexander county to levy a special tax. Read and passed second time. Yeas 26; Nays 3.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Brogden, Brown, Cook, Conncil, Cowles, Crowell, Currie, Dargan, Flythe, Gilmer, Graham of Alamance, Graham of Orange,

Linney, Mauney, McClammy, McCotter, Murphy, Price, Skinner, Speed, Troy and Worth—26.

Negative—Messrs. Beasley, Eppes and Norment—3.

S. B. 598, H. B. 367, a bill to be entitled an act to regulate the right of voting in cases where county lines have been recently altered. Yeas 31; Nays 2.

Affirmative—Messrs. Adams, Albright, Allen, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Moore, Murphy, Norment, Olds, Price, Robbins of Rowan, Skinner, Speed and Worth—31.

Negative—Messrs. Brogden and Eppes—2.

S. B. 310, a bill to be entitled an act to repeal certain sections of an act entitled an act concerning townships. Read and passed second and third times. Yeas 30; Nays 2.

Affirmative—Messrs. Adams, Albright, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Fleming, Flythe, Graham of Alamance, Graham of Orange, Hawkins, Latham, Lehman, Linney, Love, Manney, McClammy, McCotter, Merrimon, Moore, Murphy, Norment, Price, Robbins of Rowan, Skinner and Speed—30.

Negative-Messrs. Beasley and Bellamy-2.

S. B. 543, H. B. 298, a bill to be entitled an act to authorize the commissioners of Gaston county to levy a levy a special tax for the purpose of repairing a bridge, &c. Read and passed second time. Yeas 26; Nays 4.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Beasley, Brogden, Brown, Council, Crowell, Currie, Dargan, Edwards, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Linney, Mauney, McClammy, McCotter, Price, Skinner, Speed, Troy and Worth—26.

Negative—Messrs. Eppes, Hyman, Norment and Robbins of Rowan—4.

S. B. 657, H. B. 420, a bill to be entitled an act authorizing

the county commissioners of Caldwell county to levy a special tax. Read and passed second time. Yeas 24; Nays 2.

Affirmative—Messrs. Adams, Allen, Battle, Brogden, Rrown, Council, Cowles, Crowell, Currie, Dargan, Gilmer, Graham of Orange, Linney, Love, Mauney, McClammy, McCotter, Murphy, Price, Skinner, Speed, Troy, Warren and Worth—24.

Negative-Messrs. Eppes and Hyman-2.

S. B. 566, a bill to be entitled an act to change the time of holding the courts in the 10th and 11th judicial districts. Read and passed second and third times. Yeas 33; Nays none.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Beasley, Brogden, Brown, Cook, Council, Crowell, Currie, Edwards, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Hawkins, Hyman, Jones, Lehman, Linney, Love, Mauney, McClammy, Moore, Murphy, Norment, Olds, Price, Robbins of Rowan, Skinner and Worth—33.

Negative-None.

At 11 o'clock, A. M., the Senate took a recess, to sit as a court of impeachment.

The court having adjourned, the Senate was called to order by the Chair.

Bills and resolutions were then acted on as follows:

S. B. 689, a bill to be entitled an act to incorporate the Mount Airy and Central Railroad Company.

Mr. Cowles moved to insert words "Stokes and Forsythe" after word "Surry," in line 10, section 5. The amendment prevailed, and the bill passed third time. Yeas 30; Nays none.

Affirmative—Messrs. Albright, Allen, Battle, Beasley, Brogden, Brown, Cook, Cowles, Currie, Dargan, Eppes, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Murphy, Norment, Price, Robbins of Rowan, Skinner, Speed and Worth—30.

Negative-None.

S. B. 692, H. B. 636, a bill to be entitled an act to raise revenue, on its third reading,

Mr. Cook moved the following amendment, to come in at end of section 19: "But this tax shall not apply to liquors manufactured in this State." The amendment did not prevail.

Mr. Cook moved to amend section 24, by adding thereto the following: but no citizen of the State shall be required to pay this tax. The amendment did not prevail.

Mr. Cowles moved to strike out in section 3, the word twelve and insert the word eight, and upon this question demanded the yeas and nays. The Senate agreed thereto, and the motion to strike out and insert did not prevail. Yeas 14; Nays 20.

Affirmative—Messrs. Adams, Albright, Battle, Bellamy, Brogden, Cook, Council, Cowles, Crowell, Eppes, Linney, Mauney, Robbins of Rowan and Skinner—14.

Negative—Messrs. Currie, Dargan, Edwards, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, Love, McClammy, McCotter, Merrimon, Murphy, Price, Speed, Troy and Worth—20.

Mr. Merrimon moved to strike out in section 1, class 1, the words twenty-two and insert instead thereof the word twenty.

Mr. Graham, of Orange, called for a civison of the question, and the question recurring first upon the motion to strike out, the yeas and nays were demanded. The Senate agreed thereto, and the motion to strike out did not prevail. Yeas 16; Nays 20.

Affirmative—Messrs. Albright, Battle, Bellamy, Brogden, Brown, Council, Crowell, Gilmer, Linney, Mauney, McCotter, Merrimon, Moore, Olds, Robbins of Rowan and Skinner—16.

Negative—Messrs. Cowles, Currie, Dargan, Edwards, Eppes, Fleming, Flythe, Graham of Alamance, Graham of Orange, Hawkins, Hyman, Jones, Love, McClammy, Murphy, Norment, Price, Speed, Troy and Worth—20.

Mr. Hyman moved the following amendment to come in as section 4:

Linkey Mood Moore Wiles and See

SECTION 4. That a special tax of one twelfth of one per cent. shall be levied in addition to the ordenary tax provided for in this act on all taxable property for the support of free public schools in this State.

Upon the adoption of the amendment, the yeas and nays were demanded. The Senate agreed thereto, and the amendment did not prevail. Yeas 11; Nays 29.

Affirmative—Messrs. Beasley, Bellamy, Brogden, Eppes, Flythe, Hawkins, Hyman, McCotter, Moore, Olds and Price—11.

Negative—Messrs. Adams, Albright, Allen, Battle, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Flening, Gilmer, Graham of Alamance, Graham of Orange, Linney, Love, Mauney, McClammy, Merrimon, Murphy, Norment, Robbins of Rowan, Skinner, Troy and Worth—27.

Mr. Cook moved the following amendment to come in as an additional section.

A special tax of one fifteenth of one per cent. shall be levied and collected on all the taxable property of the State to be applied to the construction of and payment for work done upon the Marion and Ashville Turnpike Road, and the Turnpike from Bakersville to Sparta, and from Patterson Factory to Hickory Tavern.

The amendment did not prevail.

The bill then passed the third time. Yeas 20; Nays 17.

Affirmative—Messrs. Albright, Allen, Currie, Dargan, Edwards, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Jones, Love, Mauney, McClammy, Merrimon, Murphy, Norment, Robbins of Rowan, Skinner, Troy and Worth—20.

Negative—Messrs. Adams, Battle, Beasley, Bellamy, Brogden, Cook, Council, Cowles, Crowell, Eppes, Flythe, Hyman, Linney, McCotter. Moore, Olds and Speed—17.

A message was received from the House of Representatives transmitting S. B. 571, a bill to be entitled an act to submit the question of Convention or no Convention to the people and to provide for the election of delegates, with amendment thereto adopted by the House.

The question recurring upon the amendment, Mr. Love moved that the Senate disagree thereto, and ask a committee of conference.

Mr. Merrimon moved that the Senate do concur in the House amendment.

The motion of Mr. Merrimon having precedence, and the question recurring thereupon, the yeas and nays were demanded. The Senate agreed thereto, and the Senate concurred in the amendment. Yeas 30; Nays 11.

Affirmative—Messrs. Adams, Albright, Allen, Battle, Brown, Cook, Council, Crowell, Currie, Dargan, Edwards, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Jones, Latham, Linney, Love, Mauney, McClammy, Merrimon, Murphy, Norment, Robbins of Rowan, Skinner, Speed, Troy, Warren and Worth—30.

Negative—Messrs. Beasly, Brogden, Eppes, Flythe, Hawkins, Hyman, Lehman, McCotter, Moore, Olds and Price—11.

Mr. Cowles was, on motion, excused from voting.

The Senate then adjourned.

## SENATE CHAMBER, 3½ P. M., March 31st, 1871.

The Senate met pursuant to adjournment.
Bills and resolutions were acted on, as follows:

S. B. 520, H. B. 262, a bill to be entitled an act to allow the county commissioners of Currituck to levy a special tax. Read and passed second time. Yeas 27; Nays 2.

Affirmative—Messrs. Adams, Albright, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards,

Fleming, Gilmer, Graham of Alamance, Graham of Orange, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Murphy, Skinner, Speed, Troy and Worth—27.

Negative-Messrs. Bellamy and Norment-2.

S. B. 601, H. B. 559, a bill to be entitled an act authorizing the county commissioners of Onslow to levy a special tax.

The amendment offered by the Committee on Propositions and Grievances was adopted, and the bill passed the second time. Yeas 22; Nays 6.

Affirmative—Messrs. Adams, Albright, Allen, Brogden, Brown, Council, Crowell, Currie, Dargan, Gilmer, Graham of Alamance, Graham of Orange, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Murphy, Skinner, Troy and Worth—22.

Negative—Messrs. Beasley, Bellamy, Eppes, Moore, Norment and Olds—6,

Mr. Gilmer offered a resolution authorizing the principal Clerk to employ additional clerical assistance during the remainder of the session, which was read and adopted.

The Committee on Enrolled Bills reported as correctly enrolled the following:

An act to incorporate the Statesville Air Line Railroad Company;

An act to provide for a tax collector for Gaston county;

An act supplementary to an act passed at the present General Assembly, entitled an act to lay off and establish a county by the name of Swain;

An act to change the time of holding the Spring term of the Superior Court of Beautort and Pitt counties for the tyear 1871;

An act to incorporate the Co-operative Savings and Loan Association;

An act to amend section 1, chapter 208, public laws 1868-'9, entitled an act to provide for the election of commissioners of navigation and pilotage for the port of Beaufort, North Carolina;

An act to incorporate the town of Kernersville;

An act to incorporate the Newport Peabody Educational Association;

An act to incorporate the Kinston and Kenansville Railroad Company;

An act to authorize commissioners of Stokes to levy a special tax;

An act to authorize the commissioners of Rockingham to issue bonds for the purpose of funding and paying off the county debt;

An act to incorporate the Louisburg Manufacturing Company;

An act to incorporate the Georgia and North Carolina Railroad Company;

Resolution in favor of J. W. Schenck, jr., sheriff of New Hanover county;

Resolution raising a Committee of Inquiry into the conduct of John Pool, U. S. Senator;

Resolution in favor of John Crisp, of Macon county;

Resolution authorizing the Enrolling clerk to employ clerical assistance;

An act to change the line between the counties of Edge-combe and Nash;

An act defining the duties of the Keeper of the Capitol;

An act to reduce the bond of superior court clerk and judge of probate, of Dare county, N. C., from ten thousand to three thousand dollars;

An act to amend section 199, chapter 4, of the Code of Civil Procedure, concerning attachments;

An act to incorporate the South River Draining Company; An act to incorporate the North Carolina Stock Raising and Fishing Company;

An act concerning Municipal Officers;

A resolution in favor of T. W. Patterson, late sheriff of Rockingham county;

An act to extend the time for the registration of grants, deeds and other conveyances;

An act to amend an act to provide for the enlargement, in crease of depth and completion of the Albemarle and Cheasapeake Canal, ratified the 2d day of February, 1857, and to repeal and amend certain other statutes;

An act to enable the N. W. N. C. R. R. Company to complete their road to Salem.

Which were duly enrolled and transmitted to the Secretary of State.

The following bills, resolutions and amendments reported as correctly engrossed, were transmitted to the House of Representatives for concurrence:

- S. B. 168, a bill to be entitled an act to amend the charter of the Bladen Land Company;
- S. B. 699, a bill to be entitled an act to amend an act to declare the Brevard, French Broad and Jones Gap Road a Turnpike;
- S. B. 619, a bill to be entitled an act to incorporate the town of Whitakers, in the county of Edgecombe;
- S. B. 461, a bill to be entitled an act to prevent the obstruction of Newport river, Carteret county;
- S. B. 689, a bill to be entitled an act to incorporate the Mt. Airy and Central Railroad Company;
- S. B. 683, amendment to a bill to be entitled an act to incorporate the Haywood and Cain Creek Company;
- S. B. 618, a bill entitled an act in favor of the sureties of H. B. Guthrie;
- S. B. 492, a bill to be entitled an act to amend an act in relation to proceedings in contempt, &c.;
  - S. R. 680, a resolution in favor of J. L. Harrison.

The Senate then adjourned.

#### NINETY-SIXTH DAY.

SENATE CHAMBER, April 1st, 1871.

The Senate met pursuant to adjournment.

Leave of absence from this morning until Tuesday was granted to Mr. Battle.

Messages were received from the House of Representatives transmitting Senate bills with the several amendments thereto, adopted by the Hause, and asking concurrence of the Senate therein, which were disposed of, as follows:

Amendment in the nature of a substitute, for S. B. 15, H. B. 598, a bill to be entitled an act appointing a weigher of cotton and weigher and inspector of flour and salt fish for the city of Raleigh. Amendment concurred in.

Amendment to S. R. 504, H. R. 322, resolution in favor of Patrick McGowan. Amendment concurred in.

Amendment to S. B. 670, H. B. 683, a bill to be entitled an act to repeal an act entitled an act to amend the charter of the Western N. C. R. R. Company, ratified the 19th day of August, A. D. 1868, and for other purposes. Amendment concurred in.

Amendments to S. B. 88, a bill to be entitled an act to transfer \$1,000,000 of State stock in N. C. R. R. Company, and to consolidate that portion of the N. C. R. R. between Raleigh and Goldsboro' with the Atlantic and N. C. Railroad.

On motion of Mr. Graham, of Orange, the Senate refused to concur in the amendments, and ordered a message to be sent to the House asking for a committee of conference.

Bills and resolutions were introduced, read and passed first time, and placed on calendar, or were otherwise disposed of, as follows:

By Mr. Gilmer, resolution in favor of Jos. J. Roberson. Laid over under the rules. By Mr. Gilmer, resolution to pay certain witnesses in the late impeachment trial. Adopted.

By Mr. Price, resolution in favor of the reporters of the Senate. Laid over under the rules.

By Mr. Price, joint resolution concerning the inspection and renovation of the House of Representatives and Senate Chambers. Laid over under the rules.

By Mr. Robbins, of Rowan, joint resolution in favor of Chas. H. Abrams, watchman of the capitol.

By Mr. McCotter, resolution for the Treasurer to refund \$575.59 to tax collector of Pitt county.

By Mr. Robbins, of Rowan, a bill to be entitled an act to authorize the commissioners of Franklin county to convey land to trustees of Trinity church.

By Mr. Murphy, a bill to be entitled an act donating the State's interest in the Fayetteville and Warsaw Plank Road to the counties of Sampson and Duplin.

By Mr. Cook, resolution in favor of sheriffs in certain cases.

By message from the House of Representatives,

H. B. 633, a bill to be entitled an act to incorporate the Carthage and Randolph Railroad Company;

H. B. 656, a bill to be entitled an act to incorporate the Asheville and Virginia Railroad Company;

H. B. 49, a bill to be entitled an act to regulate appeals from Justice's Courts in certain cases;

H. R. 330, resolution to appoint joint committee to inspect calendar and report upon adjournment;

H. R. 331, resolution in favor of John O'Connor. Referred to committee on claims;

H. B. 581, a bill to be entitled an act concerning Clerks of Superior Courts;

H. B. 718, a bill to be entitled an act athorizing the commissioners of Franklin county to issue bonds;

H. B. 582, a bill to be entitled an act to allow the county commissioners of Columbus county to levy a special tax.

H. R. 323, resolution to provide for the payment of an assistant clerk in the House of Representatives;

H. R. 308, resolution in favor of James H. Ennis;

H. R. 307, resolution in reference to the Capitol;

H. R. 233, resolution in favor of A. O. Kerr;

H. B. 441, a bill to be entitled an act to require Justices of the Peace to file proceedings in the Superior Court when defendent pleads no assets;

H. B. 476, a bill to be entitled an act to amend the Code of Civil Procedure.

By Mr. Gilmer, a bill to be entitled an act to prescribe further duties for the Keeper of the Capitol. Referred to judiciary committee.

On motion, leave was granted to Mr. Jones to have his name recorded in the affirmative on the vote by which the revenue bill was passed its third reading on yesterday, as he was at the time, when the vote was taken, in attendance in the session of the committee to investigate the conduct of John Pool, U.S. Senator.

At 11 A. M., the Senate took a recess to sit as a court of impeachment, for the trial of articles of impeachment exhibited against Edmund W. Jones, Judge of Superior Court for second Judicial District of North Carolina.

The court having adjourned sine die, the Senate was called to order by the Chair.

On motion of Mr. Graham, of Orange, the clerk was directed to have the proceedings of said court printed and bound with the Senate Journal.

The following bills and resolutions were read and passed without amendment the second and third times:

S. B. 589, H. B. 505, a bill to be entitled an act to incorporate the Wilmington and Charlotte Ocean Steamship Company, and for other purposes;

S. B. 564, a bill to be entitled an act to incorporate the Real Estate and Loan Association of Wilmington, North Carolina.

S. B. 648, H. B. 540, a bill to be entitled an act to incorpo-

rate Republican Star Lodge, No. 1384 G. U. O. of O. F. Elizabeth City;

- S. B. 667, H. B. 520, a bill to be entitled an act to incorporate the Wilmington Railway Co oporative Association.
- S. B. 664, a bill to be entitled an act to allow the commissioners of Guilford county to change the boundaries of the townships in that county;
- S. B. 677, H. B. 588, a bill to be entitled an act in regard to the city of Charlotte;
- S. B. 685, H. B. 852, a bill to be entitled an act to incorporate the First Building and Loan Association of Stateville, .

  North Carolina;
  - S. R. 697, a resolution in favor of J. T. Bullard;
- S. B. 702, H. B. 597, a bill to be entitled an act concerning Rock Spring Camp Ground, in Lincoln county, and to incorporate a Board of Trustees thereof;
- S. B. 710, H. B. 591, a bill to be entitled an act concerning Balls Creek Camp Ground, in Catawber county, and to incorporate a new Board of Trustees;
- S. B. 712, H. B. 445, a bill to be entitled an act concerning townships in the county of Cherokee;
- S. B. 714, H. B. 624, a bill to be entitled an act to change the townships of Lincoln county;
- S. R. 716, H. R. 285, resolution in favor of Nazra Hinton and Ransom Harrison;
- S. B. 721, a bill to be entitled an act to establish the boundary line between Granville and Person counties;
- S. B. 723, a bill to be entitled an act to authorize the commissioners of Franklin county to convey land to Trustees for Trinity Church;
- S. R. 724, resolution for Treasurer to refund \$575,59 to tax collector of Pitt county;
- S. B. 725, H. B. 656, a bill to be entitled an act to incorporate the Ashville and Virginia Railroad;
- S. R. —, joint resolution in favor of Charles H. Abrams, Watchman of the Capitol;

S. B. 706, H. B. 506, a bill to be entitled an act to amend the charter of the Caldwell and Watauga Turnpike Company;

S. R. —, H. R. 331, resolution in favor of John OConnor.

A message was received from the House of Representatives transmitting the report of the committee of conference on amendments to S. B. 68, H. B. 637, a bill to be entitled an act to amend chapter 184, laws of 1868–'69, entitled an act to provide for a system of public instruction, and informing the Senate that the House had concurred in the report.

On motion, the Senate concurred in the report of the committee of conference.

Bills and resolutions were then acted on, as follows:

S. B. 82, H. B. 330, a bill to be entitled an act to incorporate the Roanoke and Tar River Agricultural Society. Read and passed second and third times. Yeas 30; Nays 1.

Affirmative-Messrs. Adams, Beasley, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Fleming, Gilmer, Graham of Orange, Hawkins, Lehman, Linney, Love, Mauney, McClammy, McCotter, Moore, Murphy, Norment, Robbins of Rowan, Skinner, Speed, Troy and Worth—30.

Negative-Mr. Flythe-1.

H. B. 200, S. B. 581, a bill to be entitled an act to authorize the county commissioners of Bladen county to levy a special tax. Read and passed third times. Yeas 20; Nays 8.

Affirmative—Messrs. Adams, Alten, Beasley, Brown, Council, Cowles, Dargan, Edwards, Fleming, Gilmer, Graham of Orange, Hawkins, Lehman, Linney, Love, Mauney, McClammy, Murphy, Skinner and Worth—20.

Negative—Messrs. Bellamy, Brogden, Eppes, Flythe, Hyman, Norment, Olds and Robbins of Rowan—8.

H. B. 228, S. B. 559, an act to repeal section 31, chapter 201, of an act of April 12th, 1869. Read and passed second and third time. Yeas 27; Nays none.

Affirmative—Messrs. Adams, Allen, Brogden, Brown, Council, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Flythe,

Graham of Orange, Hawkins, Hyman, Lehman, Linney, Love, Mauney, McClammy, McCotter, Moore, Olds, Price, Robbins of Rowan, Skinner and Worth—27.

Negative—None.

S. B. 309, a bill to be entitled an act to incorporate the Marion and Cranberry Railroad Company. Read and passed third time.

Resolution in favor of sherifts in certain cases. Read and passed second and third times. Yeas 27; Nays none.

Affirmative—Messrs. Adams, Albright, Brogden, Cook, Council, Crowell, Currie, Dargan, Edwards, Eppes, Flythe, Graham of Orange, Hawkins, Hyman, Lehman, Linney, Love, Mauney, McClammy, McCotter, Murphy, Norment, Olds, Price, Robbins of Rowan, Skinner and Worth—27.

Negative—None.

H. B. 632, S. B. 687, a bill to be entitled an act to authorize the commissioners of Moore county to issue bonds. Read and passed third time. Yeas 17; Nays 9.

Affirmative—Messrs. Albright, Council, Crowell, Currie, Dargan, Edwards, Fleming, Gilmer, Graham of Orange, Hawkins Linney, Mauney, McClammy, Skinner, Troy, Warren and Worth—17.

Negative—Messrs. Beasley, Bellamy, Brogden, Eppes, Hyman, Lehman, McCotter, Norment and Olds—9.

S. B. 2, an act to amend section 33, chapter 20, acts of 1868, entitled an act concerning the government of counties.

The amendment in the nature of a substitute offered by the committee, was adopted and the bill, as amended, was passed the third time. Yeas 24; Nays 3.

Affirmative—Messrs. Adams, Allen, Beasley, Brogden, Council, Cowles, Crowell, Currie, Dargan, Graham of Orange, Hawkins, Lehman, Love, Mauney, McClammy, Murphy, Norment, Olds, Price, Robbins of Rowan, Skinner, Speed and Worth—24.

Negative-Messrs. Linney, McCotter and Moore-3.

S. B. 354, a bill to amend section 7 of chapter 237, of laws

1868-'69. Read and passed second and third times. Yeas 26; Nays 1.

Affirmative—Messrs. Adams, Beasley, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Graham of Orange, Hawkins, Lehman, Linney, Love, Mauney, McClammy, McCotter, Murphy, Norment, Olds, Price, Robbins of Rowan, Skinner and Worth—26.

Negative-Mr Hyman-1.

S. B 286, bill concerning the jurisdiction of Justices of the Peace in certain cases. Read second time and rejected. Yeas 10; Nays 18.

Affirmative—Messrs Allen, Cowles, Currie, Dargan, Edwards, Graham of Orange, Linney, Mauney, Skinner and Worth—10.

Negative—Messrs. Adams, Beasley, Brogden, Brown, Crowell, Eppes, Flythe, Hawkins, Lehman, Love, McClammy, McCotter, Moore, Murphy, Norment, Olds, Price and Robbins of Rowan—18.

S. B. 328, a bill to allow the registration of deeds upon certain process. Read and passed second and third times. Yeas 26; Nays none.

Affirmative—Messrs. Adams, Allen, Brown, Cook, Council, Crowell, Currie, Dargan, Edwards, Eppes, Graham of Orange, Hawkins, Lehman, Linney, Love, Mauney, McClammy, McCotter, Murphy, Norment, Olds, Price, Robbins of Rowan, Skinner, Speed and Worth—26.

Negative-None.

S. B. 356, a bill to be entitled an act to amend section 13 of an act entitled an act in relation to landlord and tenant. Read and passed second and third times. Yeas 26; Nays 1.

Affirmative—Messrs. Adams, Albright, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Graham of Orange, Hawkins, Hyman, Linney, Love, Manney, McClaminy, McCotter, Murphy, Norment, Olds, Price, Robbins of Rowan, Skinner, Speed and Worth—26.

Negative-Mr. Lehman-1.

S. B. 462, a bill to be entitled an act to transfer late pending suits in equity to the Superior Court. Read and passed second and third times. Yeas 27; Nays none.

Affirmative—Messrs. Adams, Albright, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Fleming, Graham of Orange, Hyman, Lehman, Linney, Love, Mauney, McClammy, McCotter, Murphy, Norment, Olds, Robbins of Rowan, Skinner, Troy and Worth—27.

Negative-None.

A bill donating the State's interests in the Fayetteville and Warsaw Plank Road to the counties of Sampson and Duplin. Read and passed second and third times. Yeas 19; Navs 9.

Affirmative—Messrs. Adams, Cook, Conncil, Cowles, Currie, Dargan, Graham of Orange, Hawkins, Hyman, Lehman, Linney, Mauney, McClammy, Moore, Murphy, Norment, Robbins of Rowan, Troy and Worth—19.

Negative—Messrs. Albright, Brogden, Crowell, Eppes, Gilmer, Love, Olds, Price and Skinner—9.

S. B. 597, H. B. 186, a bill to be entitled an act regulating the appointment of guardians *ad litem*. Read and passed second and third times. Yeas 22; Nays 7.

Affirmative—Messrs. Adams, Albright, Beasley, Cook, Council, Cowles, Crowell, Currie, Dargan, Gilmer, Linney, Love, Mauney, McClammy, Murphy, Norment, Price, Robbins of Rowan, Skinner, Speed, Troy and Worth—22.

Negative—Messrs. Bellamy, Brogden, Eppes, Hawkins, Hyman, McCotter and Olds—7.

H. B. 46, S. B. 459, an act to render valid and binding the acts of certain officers of the State, and for other purposes. Read and passed second and third times. Yeas 23; Nays 5.

Affirmative—Messrs. Adams, Albright, Beasley, Brogden, Council, Crowell, Currie, Dargan, Edwards, Eppes, Flythe, Gilmer, Graham of Orange, Lehman, Linney, Love, Mauney, McClammy, McCotter, Murphy, Speed, Troy and Worth—23.

Negative-Messrs. Allen, Bellamy. Cook, Hyman and Skinner-5.

S. B. 582, an act changing the time for the election of members of Congress in this State. Read and passed the second and third times. Yeas 20: Nays 8.

Affirmative—Messrs. Adams, Albright, Allen, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Gilmer, Linney, Love, Mauney, McClammy, Murphy, Norment, Price, Robbins of Rowan and Skinner—20.

Negative—Messrs. Beasley, Bellamy, Brogden, Eppes, Hyman, McCotter, Olds and Troy—8.

S. B. 511, a bill to be entitled an act to repeal chapter 77, laws of 1869-'70. Read and passed second and third times. Yeas 23; Nays 3.

Affirmative—Messrs. Adams, Albright, Brogden, Cook, Cowles, Crowell, Currie, Dargan, Edwards, Gilmer, Graham of Orange, Hawkins, Lehman, Linney, Love, Mauney, McClammy, McCotter, Murphy, Norment, Robbins of Rowan, Skinner and Troy—23.

Negative-Messrs. Beasley, Hyman and Price-3.

H. B. 606, S. B. 713, a bill to be entitled an act to levy a special tax for the county of Beaufort. Read and passed second time. Yeas 20; Nays 11.

Affirmative—Messrs. Adams, Albright, Council, Cowles, Crowell, Currie, Dargan, Edwards, Fleming, Gilmer, Graham of Orange, Hawkins, Linney, Love, Mauney, McClammy, Murphy, Skinner, Troy and Worth—20.

Negative—Messis. Beasley, Bellamy, Brogden, Cook, Eppes, Hyman, Lehman. McCotter, Moore, Norment, and Robbins of Rowan—11.

S. B. 550, a bill to be entitled an act to amend chapter 207, section 5, laws of 1868-'69.

The amendment in the nature of a substitute offered by the Judiciary Committee was adopted, and the Bill as amended, passed second and third times. Yeas 29; Nays none.

Affirmative—Messrs. Adams, Albright, Brogden, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Fleming, Flythe, Gilmer, Graham of Orange, Hawkins, Hy-

man, Lehman, Linney, Love Mauney, McCotter, Norment, Robbins of Rowan, Skinner, Speed and Troy—29.

Negative-None.

S. B. 549, a bill to be entitled an act to authorizing the county commissioners of the county of Gates, to levy and collect a special tax, and approving thereof. Read and passed second time. Yeas 19; Nays 10.

Affirmative—Messrs. Adams, Allen, Cook, Council, Crowell, Currie, Dargan, Edwards, Fleming, Gilmer, Graham of Orange, Hawkins, Linney, Love, Mauney, McClammy, Murphy, Skinner and Worth—19.

Negative—Messrs. Bellamy, Brogden, Eppes, Hyman, Lehman McCotter, Moore, Norment, Olds and Robbins of Rowan—10.

S. R. 499, resolution in favor of D. J. Clarke, sheriff of Bladen county. Read second time and laid on the table.

H. B. 420, S. B. 657, a bill to be entitled an act authorizing the county commissioners of Caldwell county to levy a special tax. Read and passed third time. Yeas 22; Nays 8.

Affirmative—Messrs. Adams, Allen, Brogden, Brown, Council, Cowles, Crowell, Currie, Dargan, Edwards, Fleming, Flythe, Gilmer, Graham of Orange, Hawkins, Lehman, Linney, Love, Mauney, McClammy, Murphy, Skinner and Worth—22.

Negative—Messrs. Beasley, Bellamy, Eppes, Hyman, Moore, Norment, Olds and Robbins of Rowan—8.

S. B. 500, H. B. 153, a bill to be entitled an act to establish a new county by the name of Pamlico. Indefinitely postponed.

H. B. 635, S. B. 700, a bill to authorize the commissioners of Camden county to levy a special tax. Read and passed second time. Yeas 23; Nays 6.

Affirmative—Messrs. Adams, Allen, Beasley, Brogden, Brown, Council, Cowles, Crowell, Currie, Dargan, Edwards, Fleming, Flythe, Gilmer, Graham of Orange, Hawkins, Lehman, Linney, Mauney, McClammy, Murphy, Skinner and Worth—23.

Negative—Messrs. Bellamy, Eppes, Hyman, Norment, Olds and Robbins of Rowan—6.

S. B. 400, H. B. 301, a bill to be entitled an act to amend section 1, chapter 168, of public laws of North Carolina, 1869-770. Laid on the table.

H. B. 638, S. B. 715, a bill to be entitled an act authorizing the county commissioners of Caswell county to collect a special tax. Read and passed second time. Yeas 16; Nays 11.

Affirmative—Messrs. Adams, Allen, Brown, Council, Dargan, Edwards, Fleming, Graham of Orange, Hawkins, Linney, Love, Mauney, McClammy, Murphy, Skinner and Worth—16.

Negative—Messrs. Beasley, Bellamy, Brogden, Cowles, Crowell, Eppes, Hyman, Lehman, Norment, Olds and Robbins of Rowan—11.

The Senate then adjourned until 3½ o'clock, P. M.

## SENATE CHAMBER, 31 P. M., April 1st, 1871.

The Senate met pursuant to adjournment.

Bills and resolutions were then acted on, as follows:

H. B. 376, S. B. 607, a bill to authorize the county commissioners of Mitchell county to levy a special tax. Read and passed second and third times. Yeas 22; Nays 8.

Affirmative—Messrs. Adams, Allen, Brown, Council, Cowles, Crowell, Currie, Dargan, Edwards, Fleming, Flythe, Gilmer, Graham of Orange, Hawkins, Lehman, Linney, Mauney, McClammy, Murphy, Price, Skinner and Worth—22.

Negative—Messrs. Beasley, Bellamy, Brogden, Hyman, McCotter, Norment, Olds and Robbins of Rowan—8.

H. B. 562, S. B. 520, a bill to allow the county commissioners of Currituck to levy a special tax. Read and passed third time. Yeas 16; Nays 11.

Affirmative-Messrs. Adams, Allen, Brown, Council, Ed-

wards, Gilmer, Graham of Orange, Hawkins, Lehman, Linney, Love, Mauney, McClammy, Murphy, Price, Skinner and Worth—17.

Negative—Messrs. Beasley, Bellamy, Brogden, Cowles, Eppes, Fleming, Hyman, McCotter, Norment, Olds, and Robbins of Rowan—11.

H. B. 583, S. B. 686, a bill to be entitled an act to authorize the county commissioners of Alamance county to levy a special tax. Read and passed third time. Yeas 26; Nays 9.

Affirmative—Messrs. Adams, Albright, Allen, Brogden, Brown, Council, Cowles, Crowell, Currie, Dargan, Edwards, Fleming, Flythe, Gilmer, Graham of Orange, Hawkins, Lehman, Linney, Love, Mauney, McClammy, Murphy, Price, Skinner, Troy and Worth—26.

Negative—Messrs. Bellamy, Eppes, Hyman, Moore, Norment, Olds and Robbins of Rowan—7.

H. B. 605, S. B. 701, a bill to be entitled an act to extend an act to empower the commissioners of Cumberland county to levy a special tax. Read and passed second time. Yeas 27; Nays 5.

Affirmative—Messrs. Adams, Albright, Allen, Brogden, Brown, Council, Cowles, Crowell, Currie, Dargan, Edwards, Fleming, Flythe, Gilmer, Graham of Orange, Hawkins, Lehman, Linney, Love, Mauney, McClammy, McCotter, Murphy, Price, Skinner, Troy and Worth—27.

Negative—Messrs. Bellamy, Hyman, Moore, Norment and Robbins of Rowan—5.

H. B. 666, S. B. 695, a bill to be entitled an act to authorize the county commissioners of Alamance county to levy and collect a special tax. Read and passed third time. Yeas 22; Nays 6.

Affirmative—Messrs. Adams, Allen, Brown, Council, Crowell, Currie, Dargan, Fleming, Flythe, Gilmer, Graham of Orange, Hawkins, Lehman, Linney, McClammy, McCotter, Murphy, Price, Skinner, Troy, Warren and Worth—22.

Negative—Messrs. Bellamy, Hyman, Moore, Norment, Olds and Robbins of Rowan—6.

H. B. 536, S. B. 602, a bill to be entitled an act to authorize the commissioners of Harnett county to levy a special tax, and for other purposes. Read and passed third time. Yeas 24; Nays 5.

Affirmative—Messrs. Adams, Albright, Brown, Council, Cowles, Crowell, Currie, Dargan, Flythe, Graham of Orange, Hawkins, Lehman, Linney, Love, Mauney, McClammy, Murphy, Olds, Price, Robbins of Rowan, Skinner, Speed, Troy and Worth—24.

Negative—Messrs. Beasley, Bellamy, Hyman, Moore and Norment—5.

H. B. 298, S. B. 543, a bill to be entitled an act to authorize the commissioners of Gaston county to levy a special tax for the purpose of repairing a bridge, &c. Read and passed third time. Yeas 20; Nays 6.

Affirmative—Messrs. Albright, Allen, Council, Cowles, Crowell, Currie, Dargan, Fleming, Flythe, Graham of Orange, Hawkins, Lehman, Linney, Mauney, McClammy, Murphy, Skinner, Speed, Troy and Worth—20.

Negative—Messrs. Beasley, Bellamy, Eppes, Hyman, Norment and Robbins of Rowan—6.

S. B. 601, H. B. 559, a bill to be entitled an act authorizing the county commissioners of Onslow to levy a special tax. Read and passed third time. Yeas 22; Nays 5.

Affirmative—Messrs. Adams, Allen, Brogden, Brown, Council, Cowles, Crowell, Currie, Dargan, Fleming, Flythe, Graham of Orange, Hawkins, Lehman, Linney, Mauney, McClammy, Murphy, Price, Skinner, Troy and Worth--22.

Negative—Messrs. Bellamy, Eppes, Hyman, Norment and Robbins of Rowan—5.

S. B. 720, H. B. 651, a bill to be entitled an act to levy a special tax for the county of Pitt. Read second time and rejected. Yeas 12; Nays 17.

Affirmative—Messrs. Adams, Council, Currie, Edwards, Fleming, Gilmer, Graham of Orange, Hawkins, Linney, Skinner, Troy and Worth—12.

Negative—Messrs. Allen, Beasley, Brogden, Cook, Cowles, Crowell, Dargan, Eppes, Hyman, Lehman, Love, McClammy, McCotter, Moore, Norment, Olds and Robbins of Rowan—17.

Mr. McClammy introduced the following resolution:

Resolved by the Senate, the House of Representatives concurring, that the General Assembly will adjourn sine die at 12 o'clock, M., on Thursday, 6th day of April, 1871.

Mr. Cowles moved to amend by striking out Thursday and inserting Tuesday instead thereof.

Upon this motion, Mr. Robbins, of Rowan, demanded the yeas and nays. The Senate agreed thereto, and the amendment did not prevail. Yeas 16; Nays 17.

Affirmative—Messrs. Adams, Albright, Brogden, Brown, Cowles, Crowell, Currie, Dargan, Edwards, Fleming, Gilmer, Lehman, Linney, Moore, Robbins of Rowan and Troy—16.

Negative—Messrs. Bellamy, Cook, Council, Eppes, Graham of Orange, Hawkins, Jones, Love, Mauney, McClammy, McCotter, Merrimon, Murphy, Norment, Skinner, Speed and Worth—17.

Mr. Robbins, of Rowan, moved to strike out Thursday, at 12 M., and insert Wednesday, at 6 o'clock, A. M. The motion did not prevail.

The resolution was then adopted, forthwith engrossed and transmitted to the House of Representatives for concurrence.

The Committee on Enrolled Bills reported as correctly enrolled, the following:

Resolution in favor of Hon. F. N. Strudwick;

An act to authorize the county commissioners of Nash county to levy a special tax;

An act to incorporate the Haywood and Cane Creek Railroad Company;

An act to incorporate the trustees of Little River Academy, in Cumberland county;

An act to prevent the sale of spirituous liquors within one mile of Fort Hembree Academy, in Clay county;

Resolution in favor of George W. Dickey and B. K. Dickey;

An act requiring all State, county and municipal officers to be voted for on a separate ballot;

An act to incorporate the Culsagee Corundum Mining and Manufacturing Company;

An act in relation to the meadows in Rockingham county; An act for the better government of the penitentiary;

An act in relation to fishing in the waters of Pamlico and Tar rivers, and of Tranter's creek;

An act to incorporate the town of Burnsville, in the county of Yancey;

An act to incorporate the Warrenton and Macon Turnpike Company;

An act to incorporate Elmwood Lodge of Ancient Free and Accepted Masons, at Greensboro', Guilford county, North Carolina;

An act to incorporate the Fairmount Foundry Company, in the county of Chatham;

An act to incorporate the Marion High School, at Marion, in the county of McDowell;

An act for the protection of the Fair Grounds;

An act to authorize the commissioners of Johnston county to issue bonds for the purpose of funding and paying off the county debt;

Resolution in favor of Mrs. Jane Hinton;

Which were duly ratified and transmitted to the Secretary of State.

The following bills, resolutions and amendments, reported as correctly engrossed, were transmitted to the House of Representatives for concurrence:

S. B. 584, a bill to be entitled an act to amend the charter of the city of Wilmington;

S. B. 585, a bill to be entitled an act to authorize the Elizabeth City Ship Building Association;

S. B. 543, a bill to be entitled an act to incorporate Pungo

River Swamp Land Company;

S. R. —, resolution in relation to Buckhorn Chapel, in Hertford county;

Amendment to H. B. 559, S. B. 601, authorizing the county commissioners of Onslow to levy a special tax;

Amendment to H. B. 550, S. B. 623, entitled an act to amend the charter of the town of Salisbury;

S. B. 478, a bill to be entitled an act to amend the charter of the Planter's Railroad Company, and to consolidate the same with the Wilmington and Onslow Railroad Company;

Senate resolution for adjournment, and ask concurrence;

Also report of committee on adjournment;

S. B. 516, a bill to be entitled an act to prevent the sale of spirituous liquors within two miles of Blockersville Academy, in the county of Cumberland;

Amendments to H. B. 36, S. B. 419, to be entitled an act to incorporate the Spartanburg, Columbus and Rutherford Railroad Company;

S. R. 597, resolution in favor of J. F. Bullard;

S. R. 724, resolution for Treasury to refund \$575.59 to tax collector of Pitt county;

Joint resolution in favor of Charles H. Abrams, watchman of the Capitol;

- S. B. 723, a bill to be entitled an act to authorize the commissioners of Franklin county to convey land to Trustees for Trinity church;
- S. B. 310, a bill to be entitled an act to repeal certain sections of an act entitled an act concerning townships;
  - S. R. 639, concerning Dr. George W. Blacknall;
  - S. R. 694, in favor of the tax collector of Pitt county;
- S. B. 473, a bill to be entitled an act to incorporate the Asheville Savings Bank;

S. B. 566, a bill to be entitled an act to change the time of holding the courts in the 10th and 11th Judicial Districts;

S. B. 505, a bill to be entitled an act to allow the passage of

fish up the Pedee, Yadkin and Uwharie rivers;

S. B. 660, a bill to be entitled an act to construct a public bridge across the Yadkin river at or near the town of Wilkesboro'.

A message was sent to the House of Representatives informing that body that the Senate refused to concur in the amendments adopted by the House to S. B. 88, H. B. 556, a bill to be entitled an act to transfer one million dollars of State stock in North Carolina Railroad to the Atlantic and North Carolina Railroad Company, and to consolidate that portion of North Carolina Railroad between Raleigh and Goldsboro', with the Atlantic and North Carolina Railroad, and asking that a committee of conference be raised, and designating Messrs. Graham, of Orange, and Worth as Senate branch of said committee.

The Senate then adjourned.

### NINETY-SEVENTH DAY.

SENATE CHAMBER, April 3d, 1871.

The Senate met pursuant to adjournment.

Leaves of absence from to-morrow morning until the close of the session was granted to Messrs. Troy, Cowles and Fleming, and to Messrs. Merrimon and McClammy from Wednesday morning until close of the session.

Messrs. Waddell and Robbins, of Davidson, were granted leave to have their names recorded in the affirmative on the vote by which the Senate concurred in the House amendment to S. B. 571, a bill to be entitled an act to submit the question

of Convention or No Convention to the people, and for the election of delegates.

Mr. Waddell was also granted leave to have his vote recorded in favor of S. B. 692, H. B. 636, a bill to be entitled an act to raise revenue.

The following bills and resolutions were introduced, read and passed first time:

By Mr. Jones, a bill to be entitled an act supplemental to an act to raise revenue;

By Mr. Merrimon, a bill to be entitled an act to prevent Judges of the Supreme and Superior Courts from expressing, giving or delivering extra judicial opinions;

By Mr, Graham, of Orange, a bill to be entitled an act to secure proper returns by sheriffs and tax collectors of unlisted taxes:

By Mr. Gilmer, a bill to be entitled an act to prescribe further duties for the Keeper of the Capitol. Referred to committee on judiciary.

By Mr. Graham of Orange, a resolution in favor of William L. Saunders and Henry A. London.

By message from the House of Representatives,

H. B. 202, a bill to be entitled an act to authorize the county commissioners of New Hanover to levy a special tax:

H. B. 617, a bill to be entitled an act to incorporate No. 14, Independent Order of Odd Fellows;

H. B. 625, a bill to be entitled an act to provide for the laying off and construction of a public highway in the counties of Burke and Mitchell;

H. R., resolution in favor of L. C. Dashiel, sheriff of Pasquotank county.

A message was received from the House of Representatives transmitting engrossed copy of amendments adopted by the House to S. R. 680, H. R. 327, resolution in favor of J. L. Harrison.

On motion, the Senate concurred in the amendments.

Mr. Graham, of Orange, introduced a resolution allowing

Dr. N. M. Roan to be paid by the Treasurer of the State for his attendance as a witness in behalf of the respondent, in the trial of Governor Holden, which was read and adopted.

The following bills and resolutions were read and passed second and third times without amendments:

S. B. 596, H. B. 79, a bill to be entitled an act for extending the powers of county commissioners of Richmond county;

S. B. 641, H. B. 593, a bill to be entitled an act to re-enact an act in relation to the Plank Road leading from High Point to Salem;

S. B. 642, H. B. 563, a bill to be entitled an act to charter the Newbern and Washington Railroad Company;

S. B. 750, H. B. 617, a bill to be entitled an act to incorporate No. 14, Independent Order of Odd Fellows;

H. B. 717, a bill to be entitled an act to incorporate the Oxford and Hillsboro' Railroad Company;

S. R. 519, for providing a special clerk for the Secretary of State;

S. R. in favor of Wm. L. Saunders and Henry A. London;

S. B. 719, H. B. 655, a bill to be entitled an act to authorize the commissioners of Harnett county to appoint a processioner;

S. B. 709, H. B. 513, a bill to be entitled an act in relation to the Waynesville Female Academy;

S. B. 630, a bill to be entitled an act to incorporate the first co-operative store of the city of Wilmington and its branches;

S. B. 612, a bill to be entitled an act to amend the charter of the Williamston and Tarboro' Railroad Company;

S. B. 653, a bill to be entitled an act to incorporate the Pioneer Manufacturing Company;

S. R. 444, resolution in favor of W. E. Anderson;

S. B. 649, a bill to be entitled an act to incorporate the Land Improvement Company of North Carolina.

Bills and resolutions were then acted on as follows:

H. B. 728, a bill to be entitled an act authorizing the com-

missioners of Franklin county to issue bonds. Read and passed second time. Yeas 22; Nays 6.

Affirmative—Messrs. Adams, Albright, Allen, Barnett, Brown, Cook, Cowles, Dargan, Edwards, Flythe, Graham of Orange, Jones, King, Lehman, Linney, Love, McClammy, McCotter, Murphy, Price, Skinner and Speed—22.

Negative-Messrs. Eppes, Hyman, Merrimon, Moore, Rob-

bins of Davidson, and Robbins of Rowan-6.

S. B. 715, a bill to be entitled an act authorizing the county commissioners of Caswell county to collect a special tax. Read and passed second and third times. Yeas 28; Nays 11.

Affirmative—Messrs. Adams, Albright, Barnett, Brogden, Brown, Cook, Cowles, Dargan, Edwards, Fleming, Flythe, Graham of Orange, Hawkins, King, Latham, Lehman, Linney, Love, Mauney, McClammy, McCotter, Morehead, Murphy, Price, Skinner, Speed and Worth—28.

Negative—Messrs. Beasley, Council, Eppes, Hyman, Merrimon, Moore, Olds, Robbins of Davidson, Robbins of Rowan and Worth—11.

S. B. 700, H. B. 625, a bill to be entitled an act to authorize the commissioners of Camden county to levy a special tax. Read and passed second and third times. Yeas 26; Nays 7.

Affirmative—Messrs. Adams, Albright, Barnett, Brogden, Cook, Council, Cowles, Crowell, Currie, Edwards, Fleming, Gilmer, Graham of Orange, Hawkins, King, Lehman, Linney, Love, Mauney, McClammy, McCotter, Murphy, Robbins of Davidson, Skinner, Waddell and Worth—26.

Negative—Messrs. Beasley, Flythe, Hyman, Moore, Morehead, Olds and Robbins of Rowan—7.

S. B. 643, H. B. 519, a bill to be entitled an act to amend sections 266, 228, 269, 270 and 271, Code of Civil Procedure. Read and passed second and third times. Yeas 25; Nays 12.

Affirmative—Messrs. Adams, Albright, Allen, Barnett, Cook, Council, Cowles, Crowell, Currie, Dargan, Edwards, Fleming, Gilmer, Graham of Orange, Lehman, Linney, Love,

Mauney, McCotter, Morehead, Murphy, Norment, Robbins of Davidson, Skinner and Worth—25.

Negative—Messrs. Beasley, Bellamy, Brogden, Eppes, Flythe, Hawkins, Hyman, Moore, Olds, Price, Robbins of Rowan and Waddell—12.

S. R. 740, H. R. 323, a resolution to provide for the payment of an assistant Clerk in the House of Representatives. Made special order for 11 A. M. to-morrow.

S. B. 743, a bill to be entitled an act to secure proper returns by sheriffs and tax collectors of unlisted taxes. Read and passed second and third times. Yeas 32; Nays 2.

Affirmative—Messrs. Adams, Albright, Barnett, Cook, Cowles, Currie, Dargan, Edwards, Flythe, Gilmer, Graham of Orange, Hawkins, Hyman, King, Lehman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Worth—32.

Negative—Messrs Brogden and Eppes—2.

S. B. 718, H. B. 349, a bill to be entitled an act in favor of R. R. McCall, sheriff of Caldwell county. Laid on the table.

S. B. 684, H. B. 293, a bill to be entitled an act in relation to the Insane Asylum of North Carolina. Read and passed second and third times. Yeas 25; Nays 7.

Affirmative—Messrs. Adams, Albright, Allen, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Graham of Orange, King, Linney, Love, Mauney, McClammy, McCotter, Morehead, Murphy, Norment, Robbins of Davidson, Troy, Waddell and Worth—25.

Negative—Messrs. Beasley, Bellamy, Brogden, Eppes, Hawkins, Hyman and Olds—9.

S. R. 647, H. R. 272, resolution concerning publication of an act of the General Assembly. Read and adopted.

S. R. 717, H. R. 287, a resolution requesting our Senators and Representatives in Congress to use their influence to

secure an appropriation to build a public building in the city of Newbern. Read and adopted.

S. R. 164, H. R. 24, resolution in favor of W. H. Higdon, late sheriff of Macon county. Laid on table.

S. B. 621, H. B. 455, a bill to be entitled an act to amend an act ratified the 10th day of April, 1869, entitled an act to define and punish bribery. Read and passed second and third time. Yeas 31; Nays None.

A rmative—Messrs. Adams, Albright, Allen, Barnett, Brogden, Cook, Cowles, Crowell, Currie, Eppes, Fleming, Flythe, Gilmer, Graham of Orange, Hawkins, Hyman, King, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Speed, Troy, Waddell and Worth—31.

Negative—None.

S. B. 707, H. B. 425, a bill to be entitled an act to regulate the issuing of executions upon judgments for the recovery of money. Laid on the table.

S. B. 629, a bill to be entitled an act to provide for issuing new grants to owners of land and for other purposes. Read and passed second time. Read third time and laid on the table.

S. B. 652, a bill to be entitled an act to incorporate Wilmington and Smithville Steamboat Company. Read and passed second and third times. Yeas 29; Nays 2.

Affirmative—Messrs. Adams, Allen, Barnett, Beasley, Brown, Crowell, Currie, Dargan, Edwards, Fleming, Flythe, Gilmer, Graham of Orange, Hawkins, Hyman, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell and Worth—29.

Negative-Messrs. Brogden and Eppes-2.

S. R. 348, resolution in relation to the contract of Board of Education with D. P. Bible and S. T. Carrow, for the sale of swamp lands in Hyde and other counties.

Mr. Cook moved the following amendment, to come in at end of first resolution:

Resolved further, That the Board of Education is hereby authorized and empowered to make title to said lands to the aforesaid Bible and Carrow, or either of them, or their assigns, at any time within two years from the date of the original contract, whenever the aforesaid Bible and Carrow shall have paid the whole amount of the purchase money and its lawful interest.

The amendment prevailed, and the resolution passed the second and third times. Yeas 21; Nays 9.

Affirmative—Messrs. Beasley, Cook, Council, Cowles, Eppes, Fleming, Flythe, Graham of Orange, Hawkins, Hyman, King, Lehman, McCotter, Moore, Morehead, Norment, Olds, Price, Speed, Warren and Worth—21.

Negative—Messrs. Bellamy, Crowell, Gilmer, Linney, Manney, McClammy, Murphy, Troy and Waddell—9.

S. B. 640, H. B. 461, a bill to be entitled an act to amend chapter 105, of the public laws of North Carolina, passed at the session of the General Assembly of North Carolina of 1869-'70. Read and passed second time. Yeas 25; Nays 5.

Affirmative—Messrs. Adams, Albright, Barnett, Brown, Cook, Crowell, Dargan, Edwards, Gilmer, Graham of Orange, Hawkins, Linney, Love, Mauney, McClammy, McCotter, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Worth—25.

Negative—Messrs. Brogden, Eppes, Flythe, King and Olds —5.

Made special order for  $10\frac{1}{2}$  A. M., to-morrow.

S. R. 744, H. R. 233, resolution in favor of A. O. Kerr. Read and passed second and third times. Yeas 26; Nays 3.

Affirmative—Messrs. Adams, Barnett, Beasley, Brown, Council, Crowell, Currie, Dargan, Edwards, Fleming, Gilmer, Graham of Orange, Hyman, Love, Mauney, McClammy, Mc-

Cotter, Merrimon, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Worth—26.

Negative-Messrs. Brogden, Flythe and Linney-3.

S. B. 646, H. B. 576, a bill to be entitled an act to lay out and construct a road through Wilkes and Watauga counties. Read and passed second and third times. Yeas 24; Nays 6.

Affirmative—Messrs. Adams, Allen, Beasley, Cook, Council, Crowell, Currie, Dargan, Edwards, Fleming, Gilmer, Graham of Orange, Linney, Love, Mauney, McClammy, Merrimon, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner and Waddell—24.

Negative—Messrs. Barnett, Brogden, Eppes, Flythe, Hyman and King—6.

S. B., a bill to be entitled an act to prevent the Judges of the Supreme and Superior Courts from expressing, giving or delivering extra judicial opinions.

The bill was read the second time and the previous question having been ordered, was passed the second time. Yeas 25; Nays 16.

Afflrmative—Messrs. Adams, Albright, Allen, Brown, Cook, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Graham of Orange Linncy, Love, Mauney, McClammy, Merrimon, Morehead Murphy, Robbins of Davidson, Robbins of Rowan, Skinner, Troy, Waddell and Worth—25.

Negative—Messrs. Barnett, Beasley, Bellamy, Brogden, Edwards, Eppcs, Flythe, Hawkins, Hyman, King, Lehman, McCotter, Moore, Norment, Olds and Price—16.

The bill was then referred to the committee on judiciary.

S. B. 508, H. B. 145, a bill to be entitled an act to amend the charters of the city of Newbern and Newbern Academy.

Mr. Allen moved the following amendments:

Strike out in line 5, section 1, the words "Mayor and," and add to section 1 the following: "Said councilmen shall immediately after their qualification elect a Mayor, whose term of office shall be the same as that of the councilmen. Strike

out in line next to last line, section 4, the word eight, and insert instead thereof the word six.

The question recurring upon the adoption of the amendments, Mr. Allen demanded the yeas and nays. The Senate agreed thereto, and the amendments prevailed. Yeas 20; Nays 6.

Affirmative—Mcssrs. Allen, Cook, Council, Cowles, Crowell, Dargan, Fleming, Gilmer, Graham of Orange, Linney, Love, Mauney, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed and Worth—20.

Negative—Messrs. Brogden, Eppes, Hawkins, Hyman, Mc-Cotter and Olds—6.

The bill then passed the second time. Yeas 21; Nays 6.

Affirmative—Messrs. Allen, Brown, Cook, Council, Cowles, Crowell, Dargan, Fleming, Gilmer, Graham of Orange, Linney, Mauney, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Warren and Worth—21.

Negative—Messrs. Barnett, Hawkins, McCotter, Moore, Olds and Price—6.

On motion of Mr. Dargan, the Senate adjourned until 3½ P. M.

# SENATE CHAMBER, 3½ P. M., April 3d, 1871.

The Senate met pursuant to adjournment.

A message was received from the House of Representatives transmitting report of Conference Committee on S. B. 322, H. B. 521, a bill to be entitled an act to incorporate the Bank of Eastern North Carolina, and in informing the Senate that the House had concurred therein.

It was moved that the Senate do concur in the report.

Upon this motion, Mr. King demanded the yeas and nays. The Senate agreed thereto, and the motion to concur did not prevail. Yeas 3; Nays 25.

Affirmative—Messrs. Council, Fleming, and Robbins of Rowan—3.

Negative—Messrs. Albright, Beasley, Brogden, Cook, Cowles, Currie, Eppes, Gilmer, Graham of Orange, Hyman, King, Lehman, Linney, Mauney, McClammy, McCotter, Merrimon, Moore, Morehead, Murphy, Norment, Olds, Speed, Waddell and Worth—25.

It was then ordered that a message be sent to the House asking for a committee of further conference, and the message was accordingly sent.

S. B. 713, H. B. 606, a bill to be entitled an act to levy a special tax for the county of Beaufort. Read and passed, second and third times. Yeas 26; Nays 7.

Affimative—Messrs. Adams, Brogden, Brown, Council, Cowles, Currie, Dargan, Edwards, Gilmer, Graham of Orange, Hawkins, Jones, King, Latham, Linney, Love, Mauney, McClammy, McCotter, Morehead, Murphy, Price, Skinner, Speed and Waddell—26.

Negative—Messrs. Beasley, Flythe, Hyman, Merrimon, Moore, Norment and Robbins of Davidson—7.

S. B. 701, H. B. 605, a bill to be entitled an act to extend an act to empower the commissioners of Cumberland county to levy a special tax. Read and passed second and third times. Yeas 21; Nays 9.

Affirmative—Messrs. Adams, Barnett, Brogden, Brown, Council, Cowles, Currie, Dargan, Edwards, Fleming, Gilmer, Graham of Orange, Hawkins, Jones, Latham, Love, Mauney, McClammy, Murphy, Price, Skinner and Waddell—21.

Negative—Messrs. Beasley, Eppes, Flythe, Hyman, McCotter, Merrimon, Morehead, Norment and Robbins of Davidson—9.

S. B. 735, H. B. 582, a bill to be entitled an act to allow the county commissioners of Columbus county to levy a special tax. Read and passed second and third times. Yeas 26; Nays 5.

Affirmative-Messrs. Adams, Barnett, Brogden, Cook,

Council, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Fleming, Flythe, Gilmer, Hawkins, Jones, King, Latham, Linney, Love, Mauney, McClammy, Murphy, Price, Skinner and Troy—26.

Negative—Messrs. Albright, Hyman, Norment, Robbins of Davidson and Robbins of Rowan—5.

S. B. 549, a bill to be entitled an act authorizing the county commissioners of the county of Gates to levy and collect a special tax, and approving thereof. Read and passed third time. Yeas 19; Nays 11.

Affirmative—Messrs. Adams, Brogden, Cook, Council, Cowles, Currie, Edwards, Gilmer, Graham of Orange, Hawkins, Latham, Lehman, Linney, Love, Mauney, McClammy, Murphy, Price and Waddell—19.

Negative—Messrs. Beasley, Bellamy, Flythe, Hyman, King, McCotter, Moore, Olds, Robbins of Davidson and Robbins of Rowan—11.

S. B. 736, a bill to be entitled an act supplemental to an act to raise revenue. Read and passed second and third times. Yeas 35; Nays none.

Affirmative—Messrs. Adains, Albright, Allen, Barnett, Beasley, Brown, Cook, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Fleming, Flythe, Gilmer, Graham of Orange, Hawkins, Hyman, Jones, King, Lehman, Linney, Love, Mauney, McClammy, McCotter, Morehead, Murphy, Price, Robbins of Davidson, Speed, Waddell and Worth—35.

Negative-None.

S. B. 283, a bill to be entitled an act to amend section 2, chapter 166, public laws 1869-'70. Laid on the table.

S. B. 600, H. B. 339, a bill to be entitled an act concerning constables. Laid on the table.

The following bills and resolutions, reported as correctly engrossed, were transmitted to the House of Representatives for concurrence:

S. B. 549, a bill to be entitled an act authorizing the county

commissioners of the county of Gates to levy a special tax, and approving thereof;

S. B. 354, a bill to be entitled an act to amend section 7, of

chapter 237, of laws 1868-'69;

S. B. 328, a bill to be entitled an act to allow the registration of deeds upon certain proof;

S. B. 309, a bill to be entitled an act to incorporate Marion

and Cranberry Railroad company;

S. B. 728, a bill to be entitled an act donating the State's interest in the Fayetteville and Warsaw Plank Road to the counties of Sampson and Duplin;

Amendment to H. B. 200, S. B. 581, a bill to be entitled an act to authorize the county commissioners of Bladen county to levy a special tax;

Amendment to H. B. 588, S. B. 677, a bill to be entitled an act to amend the charter of the city of Charlotte;

- S. B. 736, a bill to be entitled an act supplemental to an act to raise revenue;
- S. B. 664, a bill to be entitled an act to allow the commissioners of Guilford county to change the boundaries of the townships in that county;

S. R. 463, in tovor of Jas. M. Whitted;

- S. B. 511, a bill to be entitled an act to repeal chapter 77, laws of 1869-'70.
- S. B. 582, a bill to be entitled an act changing the time for the election of members of Congress in this State;
  - S. R. in favor of sheriffs in certain cases.
- S B. 356, a bill to be entitled an act to amend section 13, of an act entitled an act in relation to landlord and tenant, ratified the 10th day of April, 1869;
- S. B. 462, a bill to be entitled an act to transer late pending suits in equity to the Superior Court;
- S. B. 2, a bill to be entitled an act to amend section 33, chapter 20, acts of 1868, entitled an act concerning the government of counties;

S. B. 743, a bill to be entitled an act to secure proper return by sheriffs and tax collectors of unlisted taxes;

S. R. 348, in relation to a contract of Board of Education with D. P. Bible and S. T. Carrow for the sale of Swamp Lands in Hyde, Tyrrell and Washington counties;

S. B. 564, a bill to be entitled an act to incorporate the real Estate and Loan Association of Wilmington, N. C.;

S. B. 652, a bill to be entitled an act to incorporate Wilmington and Smithville Steamboat company;

The Senate does not concur in the report of a majority of the committee of conference on S. B. 322;

S. B. 521, a bill to be entitled an act to incorporate the Bank of Eastern North Carolina.

A message was sent informing the House that the Senate had concurred in the amendments adopted by that body, to the following bills and resolutions:

H. B. 619, S. B. 306, a bill to be entitled an act in relation to the corporate limits of Thomasville;

H. B. 683, S. B. 670, a bill to be entitled an act to amend the charter of the Western N. C. R. R. Company, ratified 19th August, 1868;

H. R. 322, S. R. 504, in favor of Patrick McGowan;

H. B. 507, S. B. 15, a bill to be entitled an act appointing a weigher of cotton and weigher and inspector of flour and salt fish, for Raleigh;

S. B. 571, H. B. 578, a bill to be entitled an act to submit the question of Convention or no Convention to the people, and to provide for the election of delegates;

H. B. 618, S. B. 353, a bill to be entitled an act to incorporate McLean Hook and Ladder company in the report of the committee of conference on amendments;

S. B. 68, H. B. 637, a bill to be entitled an act to amend chapter 184, laws of 1868 and '69, to provide for a system of public instruction.

The Committee on Enrolled Bills reported as correctly enrolled, the following:

Joint resolution on adjournment;

Resolution in relation to the investigation of the sale of the State's interest in the Cape Fear Navigation company;

An act to incorporate the Trustees of the Waccamaw Baptist church, in the county of Columbus, near Herrington;

An act to amend an act entitled an act to incorporate the Planters R. R. company:

A resolution authorizing the Principal clerk of the House to employ assistance;

An act to amend section 31, of chapter 201, of the act of April 12th, 1869;

An act to incorporate the Waynesville Academy Association;

An act to authorize the commissioners of Mitchell county to levy a special tax;

An act to authorize the commissioners of Currituck county to levy a special tax;

An act to authorize the commissioners of Moore county to issue bonds;

An act to authorize the commissioners of Alamance county to levy and collect a special tax;

An act concerning the annexation of a portion of Caldwell county, to the county of Watauga;

An act to incorporate the town of Jefferson in the county of Ashe;

An act to repeal an act for the preservation of the public health by establishing suitable quarantine regulations for Beaufort Harbor, N. C.;

An act authorizing R. B. Webster and Robert Lewis, sureties on the official bond of Walker Smith, late sheriff of Rockingham county, to collect arrears of taxes;

An act to prevent the felling of trees in the Yadkin river;
An act to incorporate the Rocky River Bridge company;

An act in favor of the sureties of Hugh B. Guthrie, late sheriff of Orange county;

An act for the relief of James M. Young, sheriff of Bun-

combe county, and T. W. Taylor, sheriff of Henderson county; Resolution in favor of John O'Conner;

Resolution for the relief of B. W. Parten, of Haywood county;

An act to authorize the commissioners of Gaston county to levy a special tax for the purpose of repairing the bridge on South Fork river at Hayler Ferry within said county:

An act for the incorporation of N. C. Lodge No. 26, Independent Order of Odd Fellows, at the city of Salisbury, county of Rowan;

An act to amend an act entitled an act to incorporate the Warm Springs Colony in Madison county, North Carolina, ratified the 15th day of February, 1871;

An act to authorize the commissioners of Anson county to issue bonds;

An act to authorize C. Austin, late sheriff of the county of Union, to collect arrears of taxes.;

An act to submit the question of Convention or no Convention to the people, and to provide for the election of delegates;

An act authorizing the commissioners of Caldwell county to levy a special tax;

An act to authorize the commissioners of Cleveland county to issue bonds;

An act to authorize the county of Wilson to issue bonds; which were duly ratified and tranmitted to the Secretary of State.

S. R. 731, resolution in favor of Joseph J. Roberson was taken up under a suspension of the rules.

Mr. Linney moved to postpone indefinitely the consideration of the resolution.

Upon this motion, Mr. Love demanded the yeas and nays. The Senate agreed thereto, and the motion did not prevail. Yeas 12; Nays 15.

Affirmative-Messrs. Adams, Brogden, Cook, Council,

Crowell, King, Linney, Love, Mauney, McCotter, Morehead and Worth-12.

Negative-Messrs Allen, Brown, Currie, Dargan, Eppes, Gilmer, Hyman, Lehman, McClammy, Merrimon, Murphy, Norment, Olds, Skinner and Speed-15.

Mr. Hyman moved the following amendment:

catholithmozon to since beaseign WHEREAS: It seems that the spirit of economy which was so manifested by the majority of this General Assembly in the early part of the session has gone where the "Woodbine twineth," or like the school boy tale is known as things that was; and whereas, it is not the purpose of this General Assembly to show any partiality between the employees of this body.

Be it therefore resolved, by the Senate of North Carolina (the House of Representatives concurring,) That the Assistant Doorkeeper and pages of the Senate receive one hundred dollars each as pay for extra services.

The resolution shall take effect from and after its ratification.

The amendment did not prevail.

The resolution then passed the second time. Yeas 15; Nays 11.

Affirmative-Messrs. Allen, Brown, Council, Currie, Dargan, Eppes, Gilmer, Hyman, Lehman, McClammy, Murphy, Skinner, Speed, Warren and Worth-15.

Negative-Messrs. Adams, Brogden, Cook, Crowell, King, Linney, Love, Mauney, McCotter, Moore and Morehead .- 11.

The resolution was read the third time.

Mr. Cook moved the following amendment:

Strike out words one hundred and insert fitty.

Pending the consideration of the amendment, the Senate, on motion of Mr. Love, adjourned until 10 o'clock to-morrow morning.

Convert Edwards Graham Advantage School Charles and Aller Okamer's Merrimon, Monobood, N. roson, Hobbie of David

New Camebon . The Miles And Anna Anna

#### NINETY-EIGHTH DAY.

SENATE CHAMBER, April 4th, 1871.

The Senate met pursuant to adjournment.

A message was received from the House of Representatives transmitting engrossed copy of amendments adopted by the House to S. B. 272, a bill to be entitled an act in relation to the public lands.

On motion, the Senate concurred in the amendments.

The Chair designated Messrs. Lehman, Morehead and Love to constitute the Senate branch of committee raised under S. R. 586, resolution concerning the centennial anniversary of American independence.

Messrs. Skinner and Moore were added to the committee on enrolled bills.

Messrs. Dargan and Waddell were granted leave of absence from and after to-morrow until the close of the session.

The following bills and resolutions were introduced, read and passed first time:

By message from the House of Representatives,

H. B. 402, a bill to be entitled an act to prevent the sale of commercial fertilizers.

H. R. 342, resolution for the relief of T. F. Lee, sheriff of Wake county. The resolution was read and passed second time.

The resolution was read the third time, and the question recurring upon its passage, the yeas and nays were demanded. The Senate agreed thereto, and the resolution did not pass. Yeas 14; Nays 19.

Affirmative—Messrs. Beasley, Bellamy, Brogden, Currie, Dargan, Flythe, Gilmer, Hyman, Jones, King, Love, Moore, Olds and Price—14.

Negative—Messrs. Adams, Allen, Brown, Cook, Council, Crowell, Edwards, Graham of Orange, Linney, Manney, McClammy, Merrimon, Morehead, Norment, Robbins of David-

son, Robbins of Rowan, Skinner, Speed, Waddell and Worth —19.

Mr. Norment moved to reconsider the vote just taken.

Mr. Edwards moved to lay that motion upon the table.

Mr. Edwards demanded the yeas and nays. The Senate agreed thereto, and the motion to lay upon the table did not prevail. Yeas 12; Nays 23.

Affirmative—Messrs. Adams, Brown, Edwards, Graham of Orange, Linney, Merrimon, Morehead, Robbins of Davidson, Robbins of Rowan, Skinner, Speed and Waddell—12,

Negative—Messrs. Allen, Beasley, Bellamy, Brogden, Cook, Crowell, Currie, Dargan, Eppes, Flythe, Gilmer, Hyman, Jones, King, Love, McClammy, McCotter, Moore, Murphy, Norment, Olds, Price and Worth—23.

The question then recurring upon the motion to reconsider, the previous question was called. The Senate sustained the call.

Mr. Robbins, of Davidson, demanded the yeas and nays upon the motion to reconsider. The Senate agreed thereto, and the motion prevailed. Yeas 20; Nays 13.

Affirmative—Messrs. Adams, Beasley, Bellamy, Brogden, Cook, Currie, Dargan, Edwards, Eppes, Flythe, Gilmer, Hyman, Jones, King, Latham, Love, McCotter, Murphy, Norment and Olds—20.

Negative—Messrs. Brown, Crowell, Graham of Orange, Linney, Mauney, McClammy, Merrimon, Morehead, Robbins of Davidson, Robbins of Rowan, Speed, Waddell and Worth—13.

The question then recurring upon the passage of the bill the third time, Mr. Love moved the following amendments:

In line 3, after "county," insert "and B. S. Buchanan, sheriff of Jackson county."

In line 3, strike out and "he is," and insert "they are."

In line 10, after "Lee," insert "and Buchanan."

In line 12, after "Lee," insert "and B. S. Buchanan."
In line 13, strike out "sheriff," and insert "sheriffs."

In line 15, strike out "he," and insert "they."

In line 23, after "Lee," insert "and B. S. Buchanan."

In line 23, strike out "his," and insert "their."

In line 25, strike out "him or them," and insert "them, or them and their securities."

In line 27, strike out "him" and insert "them."

In line 31, strike out "him and them," and insert "them, or them and their securities."

In line 31, strike out "his," and insert "any."

In line 32, strike out "sheriff of Wake," and insert "sheriffs of Wake and Jackson."

The amendments prevailed, and the question again recur-

ring upon the passage of the bill the third time,

Mr. Robbins, of Davidson, moved to strike out the name of T. F. Lee, sheriff of Wake county, and upon this motion, demanded the yeas and nays. The Senate agreed thereto, and the motion to strike out did not prevail. Yeas 8; Nays 23.

Affirmative -- Messrs. Graham of Orange, Linney, Mc-Clammy, Merrimon, Morehead, Robbins of Davidson, Robbins of Rowan and Waddell—8.

Negative—Messrs. Beasley, Bellamy, Brogden, Brown, Cook, Council, Currie, Dargan, Eppes, Flythe, Gilmer, Hawkins, Hyman, King, Latham, Love, Mauney, McCotter, Moore, Murphy, Norment, Olds and Price—23.

The question recurring again upon the passage of the bill the third time, the yeas and nays were demanded. The Senate agreed thereto, and the bill as amended passed the third time. Yeas 22; Nays 11.

Armative—Messrs. Beasley, Bellamy, Brogden, Brown, Cook, Council, Currie, Dargan, Eppes, Flythe, Gilmer, Hawkins, Hyman, King, Latham, Love, McCotter, Moore, Murphy, Norment, Olds and Price—22.

Negative—Messrs. Adams, Crowell, Graham of Orange, Linney, Mauney, McClammy, Morehead, Robbins of Davidson, Robbins of Rowan, Waddell and Worth—12.

S. R. 740, H. R. 323, resolution to provide for the payment

of an assistant clerk in the House of Representatives. Read the second time.

The question recurring upon the passage of the resolution the second time, the yeas and nays were demanded. The Senate agreed thereto, and the resolution did not pass. Yeas 1; Nays 25.

Affirmative-Mr. Graham of Orange-1.

Negative—Messrs. Adams, Beasley, Bellamy, Brogden, Brown, Cook, Council, Crowell, Currie, Dargan, Edwards, Eppes, Flythe, Hawkins, Hyman, King, Latham, Linney, Love, Mauney, Moore, Norment, Olds, Robbins of Rowan, and Worth—25.

Mr. Norment moved to reconsider the vote just taken. The motion prevailed, and the question recurring upon the passage of the resolution the second time,

Mr. Graham, of Orange, moved to strike out "five" and insert "four." The motion prevailed.

The question then recurring upon the passage of the resolution as amended the second time, the yeas and nays were demanded. The Senate agreed thereto, and the resolution did not pass. Yeas 12; Nays 15.

Affirmative—Messrs. Council, Dargan, Gilmer, Graham of Orange, Hyman, McClammy, Morehead, Murphy, Norment, Skinner, Waddell and Worth—12.

Negative—Messrs. Beasley, Bellamy, Brogden, Cook, Eppes, Flythe, King, Lehman, Linney, Love, Mauney, McCotter and Robbins of Rowan—15.

S. B. 640, H. B. 461, a bill to be entitled an act to amend chapter 106, of public laws of North Carolina of 1869-'70. Read and passed third time. Yeas 24; Nays 3.

Affirmative—Messrs. Beasley, Brown, Cook, Council, Crowell, Currie, Dargan, Graham of Orange, Hawkins, Latham, Lehman, Linney, Love, Mauney, McClammy, Merrimon, Moore, Morehead, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner and Worth—24.

Negative-Messrs. Brogden, Hyman and Waddell-3.

S. B. 735, H. B. 582, a bill to be entitled an act to allow county commissioners of Columbus county to levy a special tax. Read and passed third time. Yeas 17; Nays 9.

Affirmative—Messrs. Adams, Cook, Council, Crowell, Currie, Dargan, Edwards, Gilmer, Graham of Orange, Hawkins, Latham, Linney, Love, Mauney, McClammy, Murphy and Skinner—17.

Negative—Messrs. Bellamy, Brogden, Eppes, Flythe, Hyman, Merrimon, Norment, Olds and Robbins of Rowan—9.

S. B. 762, a bill to be entitled an act supplemental to an act to change the boundary line between the counties of Edge-combe and Nash. Read and passed second and third times. Yeas 20; Nays 6.

Affirmative—Messrs. Adams, Council, Crowell, Currie, Dargan, Edwards, Gilmer, Graham of Orange, Hawkins, King, Lehman, Linney, Mauney, McClammy, Merrimon, Murphy, Norment, Olds, Robbins of Rowan and Skinner—20.

Negative—Messrs. Beasley, Bellamy, Brogden, Eppes, Flythe and McCotter—6.

S. B. 753, a bill to be entitled an act to prevent the judges of the Supreme and Superior courts from expressing, giving or declaring extra judicial opinions. Yeas 18; Nays 12.

Affirmative—Messrs. Adams, Cook, Council, Crowell, Currie, Dargan, Edwards, Gilmer, Graham of Orange, Hawkins, Latham, Love, Mauney, McClammy, Murphy, Robbins of Davidson, Skinner and Worth—18.

Negative—Messrs. Beasley, Bellamy, Brogden, Eppes, Flythe, King, Lehman, Linney, McCotter, Merrimon, Norment and Olds—12.

S. B. 754, a bill to be entitled an act to prescribe further duties for the Keeper of the Capitol.

Amendment in the nature of a substitute offered by the Judiciary Committee was adopted, and the bill as amended passed the second and third times. Yeas 22; Nays 4.

Affirmative—Messrs. Adams, Allen, Beasley, Cook, Council, Crowell, Currie, Dargan, Edwards, Gilmer, Graham of Orange,

Hawkins, King, Linney, Mauney, McClammy, McCotter, Murphy, Norment, Robbins of Rowan, Skinner and Worth—22.

Negative—Messrs. Brogden, Brown, Eppes and Moore—4. On motion, the title of the bill was perfected, so as to read a bill to be entitled an act in relation to the Executive Mansion, the Public lots, and other property belonging to the State, in the city of Raleigh.

S. B. 508, H. B. 145, a bill to be entitled an act to amend the charters of the city of Newbern and Newbern Academy.

Mr. Moore moved the following amendment, to come in after word clerk, in line 6, section 2, "who shall, ex officio, be tax collector of the city, with such compensation as shall be allowed by the Board of Councilmen, not to exceed five per cent.

The amendment did not prevail.

Mr. King moved the following amendment to come in at the end of section 4:

That the tax on real and personal property shall not exceed one-half of one per cent; that all laws and clauses of laws coming in conflict with this act be and the same are hereby repealed.

The amendment prevailed, and the bill passed third time. Yeas! 22; Nays 6.

Affirmative—Messrs. Adams, Allen, Cook, Crowell, Currie, Gilmer, Graham of Orange, Hyman, Jones, King, Lehman, Linney, Love, Mauney, McClammy, McCotter, Murphy, Norment, Robbins of Rowan, Waddell, Warren and Worth—22.

Negative—Messrs. Bellamy, Brogden, Eppes, Merrimon and Moore—6.

S. B. 514, a bill to be entitled an act to incorporate the Salisbury National Bank.

Mr. Robbins, of Rowan, moved the following amendment: Strike out the title of the bill and insert the words, the bank of Salisbury after words agreed on. In section 4, and also in section 5, where they first occur, insert the words, "not exceeding the legal vote."

The amendments prevailed, and the bill passed the second

and third times. Yeas 25; Nays 2.

Affirmative—Messrs. Adams, Albright, Beasley, Cook, Crowell, Currie, Dargan, Edwards, Eppes, Flythe, Gilmer, Graham of Orange, Hawkins, Hyman, Linney, Love, Mauney, Merrimon, Moore, Murphy, Norment, Robbins of Davidson, Robbins of Rowan, Skinner, Waddell and Worth—25.

was the self transferrable which is comed the complement that The

Negative—Messrs. Brogden and King—2.

The Senate then adjourned.

#### SENATR CHAMBER, 3½ P. M., April 4th, 1871.

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The Senate met pursuant to adjournment.

Leaves of absence from and after to-morrow for remainder of the session was granted to Messrs. Lehman and Worth.

Bills and resolutions were then acted on, as follows:

S. R. 731, in favor of Jos. J. Roberson. Read third time and laid on the table. Yeas 15; Nays 12.

Affirmative — Messrs. Brogden, Cook, Crowell, Currie, Dargan, King, Linney, Love, Mauney, McClammy, McCotter, Morehead, Murphy, Norment and Robbins of Davidson—15.

Negative—Messrs. Beasley, Bellamy, Dargan, Eppes, Flythe, Gilmer, Graham of Orange, Hyman, Lehman, Skinner, Waddell and Worth—12.

H. B. 691, a bill to be entitled an act to provide a cheap chattel mortgage. Read and passed second and third times. Yeas 22; Nays 4.

Affirmative—Messrs. Brogden, Cook, Crowell, Currie, Dargan, Eppes, Flythe, Gilmer, Graham of Orange, King, Lehman, Linney, Love, Mauney, McClammy, McCotter, Morehead, Murphy, Robbins of Davidson, Skinner, Waddell and Worth—22.

Negative—Messrs. Beasley, Bellamy, Hyman and Norment—4.

The following bills, resolutions and amendments, reported correctly engrossed, were transmitted to the House of Representatives for concurrence:

S. B. 649, a bill to be entitled an act to incorporate the Land Improvement company of North Carolina;

S. B. 653, a bill to be entitled an act to incorporate the Pioneer Manutacturing company;

S. B. 612, a bill to be entitled an act to amend the charter of the Williamston and Tarboro' Railroad company;

S. R. 444, resolution in favor of W. E. Anderson;

S. B. 630, a bill to be entitled an act to incorporate the first co-operative store of the city of Wilmington, and its branches.

The Senate has concurred in the amendments to

S. R. 680, H. R. 327, in favor of J. L. Harrison;

S. B. 272, H. B. 313, in relation to public lands;

S. R. 519, joint resolution in relation to State Department; S. R. 755, resolution in favor of Wm. L. Saunders and Henry

S. R. 755, resolution in favor of Wm. L. Saunders and Henra A. London;

Amendments to H. R. 342, for the relief of T. F. Lee, sheriff of Wake county, and B. S. Buchanan, of Jackson county;

Amendment to H. B. 742, S. B. 751, to incorporate the Salisbury National Bank.

The following bills and resolutions were read and passed without amendment the second and third times:

H. R. 316, resolution to authorize the payment of expenses incurred in the impeachment of Gov. W. W. Holden;

S. B. 492, H. B. 337, a bill to be entitled an act to incorporate the Newtonian Society, of Rutherford College, Burke county, N. C;

S. B. 594, H. B. 428, a bill to be entitled an act to fix the capital stock of Fairfield Canal and Turnpike Company;

S. B. 595, H. B. 246, a bill to be entitled an act to amend section 8 and section 29, of chapter of an act entitled an act of "Proceedings in Criminal Cases," laws of 1868-'69;

S. B. 605, H. B. 419, a bill to be entitled an act to prevent the felling oftrees in Carraway Creek, Randolph county;

S. B. 625, H. B. 518, a bill to be entitled an act to lay out and construct a road in the county of Ashe;

S. B. 655, H. B. 583, a bill to be entitled an act to incorporate the Independent Order of Good Templars, of Newbern, N. C.

H. B. 684, a bill to be entitled an act to incorporate Lodge No. 1, Independent Order of Good Templars, in Tarboro', Edgecombe county;

S. B. 737, H. B. 633, a bill to be entitled an act to incorporate the Carthage and Randolph Railroad Company;

A bill to be entitled an act to repeal an act concerning constables in the county of New Hanover;

H. B. 718, S. B. 752, a bill to be entitled an act authorizing commissioners of Franklin county to issue bonds;

H. R. 308, S. R. 746, resolution in favor of J. H. Euniss;

H. R. 307, S. R. 747, in reference to the capitol;

Resolution for the relief of G. J. Williams, sheriff of Chatham county;

S.B. 644, H. B. 269, a bill to be entitled an act, to charter the Statesville and Mt. Airy Turnpike.

The following bills and resolutions were read the second time and laid on the table:

S. B. 738, H. B. 49, a bill to be entitled an act to regulate appeals from Justices Courts in certain cases;

S. B. 748, H. B. 625, a bill to be entitled an act for the laying off and construction of a public highway in the counties of Burke and Mitchell;

S. R. 752, in favor of L. C. Dashiell, sheriff of Pasquotank county.

H. B. 758, a bill to be entitled an act to amend an act to charter High Shoals Railroad.

S. B. 749, H. B. 202, a bill to be entitled an act to authorize the county commissioners of New Hanover county to levy a special tax;

S. R. 184, H. R. 103, in regard to stationery.

S. B. 732, joint resolution concerning the inspection and renovation of the House of Representatives and Senate chamber, and repairing the roof and dome of the capitol.

The Committee on Enrolled Bills reported as correctly en-

rolled, the following:

Senate resolution to pay certain witnesses in the late impeachment trial;

Resolution in favor of Nazra Hinton and Ransom Harrison; Resolution in favor of Patrick McGowan;

Resolution in favor of Henry Biggs;

Resolution in favor of S. Jones:

A bill to incorporate the Mt. Airy and Central Railroad company:

A bill to be entitled an act to amend section 23, of chapter 37. Revised Code, entitled deeds and conveyances;

A bill to be entitled an act to amend an act entitled an act in relation to proceedings in contempt, and to further define the offences of contempt:

A bill to be entitled an act to render valid and binding the acts of certain officers in the State, and for other purposes:

A bill to be entitled an act to amend an act to be entitled an act to incorporate the McLean Hook and Ladder company No 1. of the town of Fayetteville;

A bill to be entitled an act for the construction of a bridge across the Yadkin river, at or near the town of Wilkesboro', N. C.;

A bill to be entitled an act to appoint Trustees to the Pitt Academy, in the town of Greenville;

A bill to be entitled an act to authorize the county commissioners to levy a special tax in Alexander county;

A bill to be entitled an act in relation to the corporate limits of the town of Thomasville;

A bill to be entitled an act to incorporate the Naval Extention Railroad company;

A bill to be entitled an act to secure proper returns by

sheriffs and tax collectors of unlisted taxes;

A bill to be entitled an act to establish the boundary line between Granville and Person counties;

A bill to be entitled an act for the promotion of immigration and the settlement of the unimproved lands of the State;

A bill to be entitled an act in relation to punishment for arson and burglary;

A bill to be entitled an act to protect the city of Raleigh from accident by fire;

A bill to be entitled an act to incorporate the Asheville Savings Bank;

A bill to be entitled an act to incorporate the Roanoke and Tar River Agricultural Society;

A bill to be entitled an act amendatory of an act entitled "Proceedings in Habeas Corpus," ratified 6th April, 1869;

A bill to be entitled an act concerning Rock Springs Camp Ground, in the county of Lincoln, State of North Carolina, and to incorporate Trustees thereof;

A bill to be entitled an act supplemental to an act to raise revenue;

A bill to be entitled an act to raise revenue;

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Which were duly ratified and transmitted to the Secretary of State.

The Senate then adjourned.

#### NINETY-NINTH DAY.

SENATE CHAMBER, April 5th, 1871.

The Senate met pursuant to adjournment.

A message was received from the House of Representatives transmitting H. B. 561, a bill to be entitled an act to change the method of appointing proxies and directors in all corporations in which the State has an interest, which was read and passed first time.

On motion, the rules were suspended and the bill was read and passed the second time.

The bill was then read the third time.

And the question recurring upon its final passage, the clerk proceeded to take the yeas and nays.

When the name of Mr. Beasley was called, he was not within the bar of the Senate, and made no response.

Mr. Jones moved that the Senator be required to come within the bar, and vote upon the question before the Senate.

Mr. Beasley having come to his seat, addressed the President, and stated that he did not desire to vote, and that not having been within the bar of the Senate at the time his name was called, he was of opinion that he could not be compelled to vote.

On motion of Mr. McClammy, the calling of the roll was dispensed with for the present, and a call of the Senate ordered.

The Clerk proceeded to call the roll, and the following Senators answered to their names:

Messrs. Allen, Beasley, Bellamy, Brown, Cook, Currie, Edwards, Flythe, Gilmer, Graham of Orange, Hawkins, Jones, King, Latham, Linney, Mauney, McClammy, McCotter, Moore, Morehead, Murphy, Norment, Olds, Robbins of Davidson, Robbins of Rowan, Skinner, Warren and Whitesides—28.

The Doorkeeper was ordered to lock the door of the Senate and to allow no person to pass out without leave of the Senate.

It was then ordered that the taking of the yeas and nays upon the third reading of the bill be proceeded with, and the Chair directed the name of the Senator from Bertie, Mr. Beasley, to be again called by the Clerk, which was accordingly done. The Senator still declined to vote.

After discussion, participated in by several Senators, Mr. Beasley stated that his refusal to vote had not proceeded from any purpose to manifest contempt for Senators or for the Senate, but it had occurred because he had been of opinion that he had a right so to refuse; that he was of the same opinion

still, but would submit himself to the decision of the Chair and of the Senate.

The Chair having decided that no Senator had a right to refuse to vote when called upon so to do upon any question before the Senate, and the Clerk having again called the name of the Senator, Mr. Beasley gave his vote upon the bill before the Senate.

The bill then passed the third time. Yeas 18; Nays 11.

Affirmative—Messrs. Allen, Brown, Cook, Currie, Edwards, Gilmer, Graham of Orange, Jones, Latham, Linney, Mauney, McClammy, Morehead, Murphy, Robbins of Davidson, Robbins of Rowan, Skinner and Whitesides—18.

Negative—Messrs. Beasley, Bellamy, Brogden, Flythe, Hawkins, King, McCotter, Moore, Norment, Olds and Warren—11.

Mr. Currie moved to reconsider the vote by which S. R. 740, H R. 323, a resolution to provide for the payment of an assistant Clerk in the House of Representatives failed to pass on its second reading on yesterday.

Mr. Graham, of Orange, moved the previous question.

Upon this motion, Mr. Linney demanded the yeas and nays. The Senate agreed thereto, and the main question was ordered to be now put. Yeas 15; Nays 12.

Affirmative—Messrs. Allen, Brown, Cook, Currie, Edwards, Gilmer, Graham of Orange, Hawkins, Jones, McClammy, Morehead, Murphy, Norment, Skinner and Whitesides—15.

Negative—Messrs. Beasley, Bellamy, Flythe, King, Latham, Linney, Mauney, McCotter, Moore, Olds, Robbins of Davidson and Robbins of Rowan—12.

The question then recurring upon the motion to re-consider, Mr. Linney demanded the yeas and nays. The Senate agreed thereto, and the motion prevailed. Yeas 14; Nays 13.

Affirmative—Messrs. Allen, Brown, Currie, Edwards, Gilmer, Graham of Orange, Hawkins, Jones, McClammy, Morehead, Murphy, Norment, Skinner and Warren—14.

Negative-Messrs. Beasley, Bellamy, Cook, Flythe, King,

Latham, Linney, Mauney, McCotter, Moore, Robbins of Davidson, Robbins of Rowan and Whitesides—13.

The question then recurring upon the passage of the bill the second time, Mr. Robbins, of Davidson, demanded the yeas and nays. The Senate agreed thereto, and the resolution did not pass. Yeas 12; Nays 15.

Affirmative—Messrs. Allen, Brown, Currie, Edwards, Gilmer, Graham of Orange, Jones, McClammy, Morehead, Murphy, Norment, Skinner and Warren—12.

Negative—Messrs. Beasley, Bellamy, Cook, Flythe, Hawkins, King, Latham, Linney, McCotter, Moore, Olds, Robbins of Davidson and Robbins of Rowan—15.

Mr. Graham, of Orange, moved that all further proceedings under the call of the Senate be dispensed with, and that the door of the Senate be unlocked. The motion prevailed.

The following bills and resolutions were introduced, read and passed first time and placed on calendar:

By message from the House of Representatives,

H. B. 756, a bill to be entitled an act for the relief of the executor of Reuben King, deceased;

H. R., resolution in favor of the Committee on the University;

H. B. 649, a bill to be entitled an act to incorporate the Walnut Mountain Turnpike company;

H. B. 184, a bill to be entitled an act to make Deep River a lawful fence, to a certain extent, in Randolph county;

H. R. 343, resolution to pay Principal Clerks of Senate and House of Representatives for extra services.

By Mr. Manney, resolution to provide for the distribution of the Convention act, &c.

A message was received from the House of Representatives transmitting engrossed copy of amendments to S. B. 461, a bill to be entitled an act to prevent the obstruction of Newport river, in Carteret county.

On motion of Mr. Moore, the Senate concurred in the amendments.

The following bills and resolutions were read and passed, without amendment, second and third times:

H. B. 184, a bill to be entitled an act to make Deep river a lawful tence, to a certain extent, in Randolph county;

H. R. 343, resolution to pay Principal Clerks of Senate and House of Representatives for extra services;

H. B. 649, a bill to be entitled an act to incorporate the Walnut Mountain Turnpike company;

H. R., resolution in favor of Committee on the University.

Leave of absence from and after to-day was granted to Mr.

Beasley.

The rules having been suspended, S. B. 595, H. B. 246, a bill to be entitled an act to amend section 8 and section 29, of chapter 3, of an act entitled an act of proceedings in criminal cases, was taken up, read the third time and rejected.

Mr. Moore offered the following resolution:

Resolved, That the thanks of the Senate are hereby returned to Hon. E. J. Warren, President of the Senate, for the dignity, ability, impartiality and courtesy with which he has presided over the deliberations of this Senate.

The resolution was read and unanimously adopted, and the President having resumed the Chair, responded as follows:

Senators: I thank you most sincerely for this expression of your kindness and regard. I esteem myself exceedingly fortunate if I have given satisfaction as the presiding officer of such a body. You have made my duties light and pleasant. You have never been unmindful of the dignity and decorum which ought to characterize the Senate of North Carolina. The only return I can make to you for this unmerited compliment, is to wish you, each and all, health and prosperity, and to pray that a kind Providence will bless and keep you; that you may return to your duties at the next meeting of this General Assembly, animated by the same high purpose to serve the State which has hitherto marked your action.

The Senate then adjourned.

#### SENATE CHAMBER, 3½ P. M., April 5th, 1871.

The Senate met pursuant to adjournment.

The rules were suspended and H. B. 765, a bill to be entitled an act for the relief of the executor of Reuben King, deceased, was put on its second and third readings.

The bill was read the second time.

Mr. Graham, of Orange, moved that the bill be laid upon the table. The motion prevailed.

The Senate having proceeded to the consideration of the message from the House of Representatives, announcing the refusal of that body to concur in the report of the Conference Committee upon S. B. 88, a bill to be entitled an act to transfer \$1,000,000 of State stock in N. C. R. R. company and to consolidate that portion of the N. C. R. R. between Raleigh and Goldsboro' with the Atlantic and N. C. R. R., and insisting upon the amendments heretofore adopted by the House.

Mr. Graham, of Orange, moved that the Senate do concur in the amendments adopted by the House. The motion prevailed, and a message was sent informing the House of the fact.

The Committee on Enrolled Bills reported the following, as correctly enrolled:

Resolution requesting our Senators and Representatives in Congress to use their influence in securing an appropriation for a public U. S. building in the city of Newbern;

A bill to be entitled an act for extending the powers of the county commissioners of Richmond county;

A bill to be entitled an act to re-enact an act in relation to a Plank Road, ratified 10th April, 1869;

A bill to be entitled an act to authorize the county commissioners of Harnett county to appoint a Processioner for said county;

A bill to be entitled an act to authorize the Trustees of

Waynesville Female Academy to transfer the property to the Waynesville Academy Association;

A bill to be entitled an act to amend chapter 184, laws of 1868-'69, entitled an act to provide for a system of public instruction: Medical Society of the State of

A bill to be entitled an act to incorporate the First Building Association of Statesville, N. C.;

A bill to be entitled an act to incorporate the Yadkin Railthe Objet Justice and cortain Ass

road company:

A bill to be entitled an act donating the State's interest in the Favetteville and Warsaw Plank Road to the counties of Sampson and Duplin;

A bill to be entitled an act to incorporate Christs Church Relief Society of Newbern, N. C.;

A bill to be entitled an act to change the townships of Lincoln county;

A bill to be entitled an act to incorporate the Republican State Lodge, No. 1384, G. U. O. of O. F. in the town of Elizaanimpooroo as ne baltispy of of flid A beth city;

A bill to be entitled an act regulating the appointment of guardians ad litem; and reference before of a MA A

A bill to be entitled an act to incorporate the Wilmington Railway Co-operative Association;

A bill to be entitled an act in relation to the Insane Asylum;

A bill to be entitled an act to amend an act ratified the 10th of April, 1869, entitled an act to define and punish bribery;

A bill to be entitled an act to authorize the county commissioners of Bladen county to levy a special tax;

Resolution in favor of Burges Montgomery;

A bill to be entitled an act authorizing the county commissioners of Onslow county to levy a special tax;

A bill to be entitled an act to incorporate the Marion and Cranberry Railroad company;

A bill to be entitled an act to incorporate the Spartansburg, Culumbus and Rutherford Railroad company;

A bill to be entitled an act to amend the charter of the town of Salisbury;

A bill to be entitled an act to amend chapter 258, of the private laws of 1858-'9, entitled an act to incorporate the Medical Society of the State of North Carolina, and for the establishment of a Medical Board of Examiners, ratified 17th February, 1859;

Resolution concerning the recent action of the Governor, the Chief Justice and certain Associate Justices of the Supreme Court:

Resolution in relation to Buckhorn Chapel, in Hertford county;

A bill to be entitled an act to incorporate the Asheville and Virginia Railroad company;

Resolution in favor of George McCotter, tax collector of Pitt county;

A bill to be entitled an act to authorize the commissioners of Harnett county to levy a special tax, and for other purposes;

A bill to be entitled an act concerning Balls' Creek Camp Ground, in Catawba county;

A bill to be entitled an act for the relief of the sheriffs of Wayne, Wilson and other counties;

Resolution in favor of John S. McNeill, George McKay and others;

A bill to be entitled an act to amend sections 266, 268, 269, 270 and 271, Code of Civil Procedure;

Resolution in favor of J. L. Harrison;

A bill to be entitled an act to amend the charter of the Caldwell and Watauga Turnpike company;

A bill to be entitled an act concerning townships in the county of Cherokee;

A bill to be entitled an act to repeal an act entitled an act to amend the charter of the W. N. C. R. R. Company ratified the 9th of August, 1868, and for other purposes;

Resolution in favor of sheriffs in certain cases;

A bill to be entitled an act to allow the county commissioners of Camden county to levy a special tax;

Resolution in favor of Jas. H. Enniss;

A bill to be entitled an act to incorporate the Magnolia Savings Bank, in the town of Magnolia, Duplin county, N. C.;

A bill to be entitled an act to authorize the county commissioners of Caswell to collect special tax.

A bill to be entitled an act to establish a Turnpike road from the town of Statesville to the town of Mt. Airy, in Surry county.

A bill to be entitled an act to authorize the county commissioners of Gates county to levy a special tax.

A bill to be entitled an act to prevent forging and counterfeiting the private marks, tokens, stamps or labels of any manufacturer, mechanic or other person.

Resolution in relation to Siate Department;

A bill to be entitled an act to lay out land and construct a public road through Milkes and Watauga;

A bill to be entitled an act to enable aliens to take, hold, and convey lands;

A bill to be entitled an act in relation to public lands;

A bill to be entitled an act to amend the charter of the Planters Railroad Company, and to consolidate the same with the Wilmington and Onslow Railroad Company;

A bill to be entitled an act to authorize the commissioners of Franklin county to issue bonds;

Resolution for the relief of G. J. Williams, sheriff of Chatham;

A bill to be entitled an act to amend chapter 106 of the public laws of North Carolina, session of the General Asssembly 1869-'70;

Resolution in favor of A. C. Kerr;

A bill to be entitled an act to empower the commissioners of Cumberland county to levy a special tax;

A bill to be entitled an act appointing a weigher of cotton

and weigher and inspector of flour and salt fish for the city of Raleigh;

A bill to be entitled an act to allow the county commissioners of Cabarrus county to levy a special tax;

A bill to be entitled an act to incorporate the Cape Fear Guano Company;

A bill to be entitled an act to remove obstructions in the Pedee, Yadkin and Uwharrie rivers, for the purpose of allowing shad and other fish free passage;

A bill to be entitled an act to incorporate the Wilmington and Charlotte Ocean Steam ship Company, and to authorize the Wilmington, Charlotte and Rutherford Railroad Company, and other railroad companies in this State, to subscribe tor stock in such corporation;

A bill to be entitled an act to levy a special tax for the county of Beaufort;

A bill to be entitled an act for the incorporation of Rowan Encampment, No 18 of the Independent Order of Odd Fellows, Rowan county, N. C.;

Resolution to authorize the publication of an act in relation to convicts;

A bill to be entitled an act to charter the Newbern and Washington Railroad Company;

Resolution in reference to the Capitol;

A bill to be entitled an act to incorporate the Oxford and Hillsboro' Railroad Company;

Resolution in favor of T. F. Lee, sheriff of Wake, and B. S. Buchanan, sheriff of Jackson county;

Which were duly ratified and transmitted to the Secretary of State.

D. L. William to trouble of the A.

The Senate then adjourned.

## ONE HUNDREDTH DAY.

SENATE CHAMBER, April 6th, 1871.

An ant to incorporate the

An act to fix the capital at

The Senate met pursuant to adjournment.

Mr. Jones introduced a resolution concerning employees of the Senate and House of Representatives, which, under a suspension of the rules, was read and passed three several times, and together with S. R. —, resolution to provide for the distribution of the Convention act, &c., was transmitted to the House of Representatives for concurrence.

The Chair announced Messrs. Graham, of Orange, and Brogden as Senate branch of Joint Select Committee to examine the accounts of the Public Treasurer.

The Committee on Enrolled Bills reported the following bills and resolutions as being correctly enrolled:

An act to incorporate the Land Improvement Company of North Carolina;

An act to change the method of appointing proxies and directors in all corporations in which the State has an interest;

An act in relation to the Executive Mansion, the public lots and other property belonging to the State in the city of Raleigh;

Resolution in favor of J. F. Bullard;

An act to incorporate Jackson Lodge No. 1, of the Independent Order of Good Templars, in Tarboro', Edgecombe county;

An act to repeal an act to provide the manner of bringing suits against Railroad Companies, ratified the 12th day of April, 1869;

An act to authorize S. A. Kelly, sheriff of Davie county, to collect arrears of taxes;

An act supplemental to an act to change the boundary line between the counties of Edgecombe and Nash;

An act for the better protection of the literary fund;

An act to amend the charter of Williamston and Tarboro' Railroad Company;

An act to incorporate the First Co-operative Store of the

city of Wilmington;

An act to fix the capital stock of the Fairfield Canal and Turnpike Company;

An act to incorporate the Newtonian Society at the Rutherford College, Burke county;

An act to provide for a cheap chattel mortgage;

Resolution authorizing the payment of the expenses incurred in the impeachment of Governor W. W. Holden;

An act to repeal an act concerning constables in New Hanover, ratified 26th March, 1870;

An act to prevent the felling of trees in Caraway Creek, Randolph county;

An act to incorporate the Independent Order of Good Templars, in Newbern;

An act to lay out and construct a road in the county of Ashe; An act to incorporate the Wilmington and Smithville Steamboat company;

An act to incorporate the Carthage and Randolph Railroad company;

An act concerning the charter of the city of Charlotte; Resolution in favor of Dr. George W. Blacknall;

An act to incorporate the Walnut Mountain Turnpike company;

An act to allow the registration of deeds upon certain proof; Resolution allowing the Principal Clerk of the Senate clerical assistance;

Resolution in favor of the committee on the University;

Resolution allowing the Engrossing Clerks of the Senate to employ assistance;

Resolution to pay Principal Clerks of the Senate and House of Representatives for extra services;

An act to incorporate the Bank of Salisbury;

Resolution for the relief of G. J. Williams, sheriff of Chatham county;

An act to incorporate the Pioneer Manufacturing company; An act to incorporate the Real Estate Loan Association of Wilmington;

An act to amend the charters of the city of Newbern and of the Newbern Academy;

An act to transfer from the North Carolina Railroad company to the Atlantic and North Carolina Railroad company, and to consolidate that portion of the North Carolina Railroad between Goldsboro' and Raleigh with the Atlantic and North Carolina Railroad;

An act to make Deep river a lawful fence, to a certain extent, in Randolph county;

An act concerning the Elizabeth City Ship Building Association;

An act to prevent the sale of spirituous liquors within two miles of Blockersville Academy, Cumberland county;

An act to amend section 14, of chapter 93, laws of 1868-'69, relative to widows' year's support;

An act to incorporate the Pungo River Swamp Land company;

An act to prevent the obstruction of Newport river, in Carteret county;

Resolution concerning employees of the Senate and House of Representatives;

Resolution to provide forthe distribution of the Convention act, and the act in relation to Salaries and Fees of County Officers;

Which were duly ratified and transmitted to the Secretary of State.

The hour of 12 M. having arrived, the President announced that the General Assembly, in pursuance of a joint resolution thereof, stood adjourned sine die.

E. J. WARREN,

W. L. SAUNDERS, Clerk.

President of Senate.

#### PROCEEDINGS IN IMPEACHMENT

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OF

## JUDGE E. W. JONES.

The bour of 12 M. have serived, the President announced

### SITTING AS A COURT OF IMPEACHMENT

TARE THE THIAL

# EDMUND W. JONES,

tadge of Superior Court for Seisen Tokicial Butrief

NORTH CAROLINA

Sexanu Chancers, March 27, 1871

The Secate that it resolved to organize and all he a court of impecialposition can be arrived of impecial positions of the arrival of interestabilities are not fideward. Whenever, I need to be supported the state of the following the following process of the State of administer the cath prescribed by law to the Scataers resent resent.

Mesers Adams, Cause, Bussley, Bellamy, Cook, Coules, Growell, Curriel Organic Edwards, Eppes, Aleming, Giliage, Graham et Alaman, Giliage, St. Orango, Herman, Jones, Moclaman, McCoster, Merdagon, Moore, etchery, Love, Moclaman, McCoster, Merdagon, Moore, etchery, Colles, Robbins et Braidean, Reither and Worth.

S. D. Harrison, Esq. a during at the Poses in and for the doubte of Wake, administred the call to the presting officer. The Clark, Assistant Clark, and Decrkeepen were also duly continued.

Mr Love moved that the Objet do more adjourn ? The

Mr. Moore reoved that the rules for the trial of methathering

#### PROCEEDINGS HAD IN THE SENATE,

#### SITTING AS A COURT OF IMPEACHMENT.

FOR THE TRIAL OF

# EDMUND W. JONES,

Judge of Superior Court for Second Judicial District OF NORTH CAROLINA.

SENATE CHAMBER, March 27, 1871.

The Senate having resolved to organize and sit as a court of impeachment for the trial of the articles of impeachment exhibited by the House of Representatives against Edmund W. Jones, Judge of the Superior Court for the Second Judicial District of North Carolina, the presiding officer proceeded to administer the oath prescribed by law to the Senators present, to-wit:

Messrs. Adams, Battle, Beasley, Bellamy, Cook, Cowles, Crowell, Currie, Dargan, Edwards, Eppes, Fleming, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Latham, Lehman, Linney, Love, McClammy, McCotter, Merrimon, Moore, Murphy, Olds, Robbins of Davidson, Robbins of Rowan, Skinner and Worth.

S. D. Harrison, Esq., a Justice of the Peace in and for the county of Wake, administered the oath to the presiding officer.

The Clerk, Assistant Clerk, and Docrkeeper were also duly qualified.

Mr. Love moved that the Court do now adjourn. The motion did not prevail.

Mr. Moore moved that the rules for the trial of impeachment

adopted in the trial of Governor W. W. Holden be adopted in this trial. The motion prevailed.

Mr. Graham offered the following order:

Ordered, That a summons be issued to Edmund W. Jones, Judge of the Second Judicial District, to appear and answer the articles of impeachment exhibited against him, and that the said summon be made returnable on Friday next, at 12 M., which was adopted.

On motion of Mr. Moore, the Court adjourned until 11 A. M., on Friday, March 31, 1871.

#### SENATE CHAMBER, March 31st, 1871.

At 11 o'clock, A. M., the Senate proceeded as a court of impeachment to consider the articles of impeachment exhibited against Edmund W. Jones, Judge of the Superior Court for the Second Judicial District of North Carolina.

Proclamations were made in due form by the doorkeeper. The Clerk called the roll of Senators, and a quorum being present,

Mr. Phillips, on behalf of the Board of Managers, addressed the corut, and said:

It is believed that action has been taken in this case by Judge Jones, which may relieve the court of its further investigation, the managers beg leave to suggest an adjournment until to-morrow. We understand that a communication from Judge Jones to the Governor is upon its way. Nothing definite is known as yet, but we are informed that if a resignation is tendered to the Governor, he will, under the circumstances, feel it to be his duty immediately to lay the matter before the General Assembly for consideration.

Thereupon the court, on motion, adjourned until 11 o'clock, A. M., to-morrow, April 1st, 1871.

#### SENATE CHAMBER, April 1st, 1871.

At 11 o'clock, A. M., the Senate, sitting as a court of impeachment, proceeded to consider the articles of impeachment exhibited against Edmund W. Jones, Judge of the Superior Court for the Second Judicial District of North Carolina, proclamation was made in due form by the Doorkeeper.

The Clerk called the roll of Senators, and a quorum being present, the board of managers presented a communication from the House of Representatives, which was read as follows:

WHEREAS, The Governor hath informed this House that Edmund W. Jones, Judge of the Second Judicial District, against whom this House has preferred articles of impeachment, has resigned his office of judge, therefore be it

Resolved, That the articles of impeachment adopted by the House against the said Edmund W. Jones, as presented to the Senate, be and they are hereby withdrawn, and that the managers of impeachment appointed on behalf of the House, inform the Senate of this action of the House, and request the Senate to return said articles of impeachment.

Whereupon, Mr. Graham, of Orange, offered the following order, which was adopted:

The State
vs.
Edmund W. Jones.

The State of North Carolina,
Senate of North Carolina,
April 1st, 1871.

WHEREAS, The House of Representatives of North Carolina did, on the 27th day of March, 1871, prefer articles of impeachment against Edmund W. Jones, Judge of the Second Judicial District, and on the 1st day of April, 1871, it was stated by the board of managers on the part of the House of Representatives, that the said Edmund W. Jones, having resigned his

office as Judge of the said Second Judicial District, further proceedings on the part of the Senate, sitting as a court of impeachment, was not desired, and that the House of Representatives asked leave to withdraw said articles:

It is ordered by the Senate, That the House of Representatives may discontinue the further prosecution of the impeachment. And it is further ordered, that the Senate, sitting as a court of impeachment, adjourn sine die.

Thereupon the presiding officer, in obedience to the order, declared that the Senate, sitting as a court of impeachment, was adjourned *sine die*.

Graham of Michiganos W. hare

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### ERRATA.

Page 276, after line 5, insert:

Affirmative—Messrs. Adams, Albright, Allen, Barnett, Battle, Beasley, Brogden, Brown, Cook, Council, Cowles, Crowell, Currie, Dargan, Eppes, Fleming, Flythe, Gilmer, Graham of Alamance, Graham of Orange, Hyman, Jones, King, Lassiter, Latham, Ledbetter, Lehman, Linney, Love, Mauney, McClammy, Moore, Morehead, Norment, Olds, Price, Robbins of Davidson, Robbins of Rowan, Skinner, Speed, Troy, Waddell and Worth—43.

Negative-None.

Page 298, in line 14, after word "bill," insert, to be entitled an act in reference to the special term of the superior court for Craven county.

Young James M. sherid at Lithean

## EKRATA.

Page 278, aft r line 5, insert:

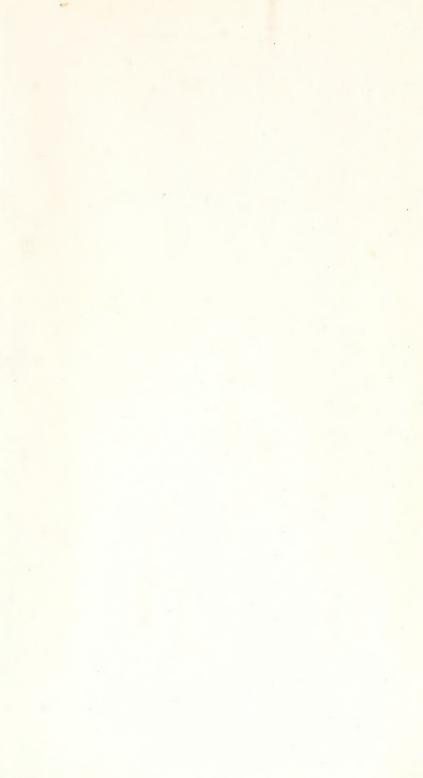
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Charie, Dargan, Eppes, Pleming, Flythe, Gilmer, Graham of
Alamance, Graham of Grange, Byman, Jones, King, Lassiter
Latham, Ledbetter, Lehman, Linney, Love, Manney, McQlam
Latham, Ledbetter, Lehman, Linney, Love, Manney, McQlam
Latham, Bobbins of Rowan, Skinner, Speed, Troy, Waddel
and Worth - 43.

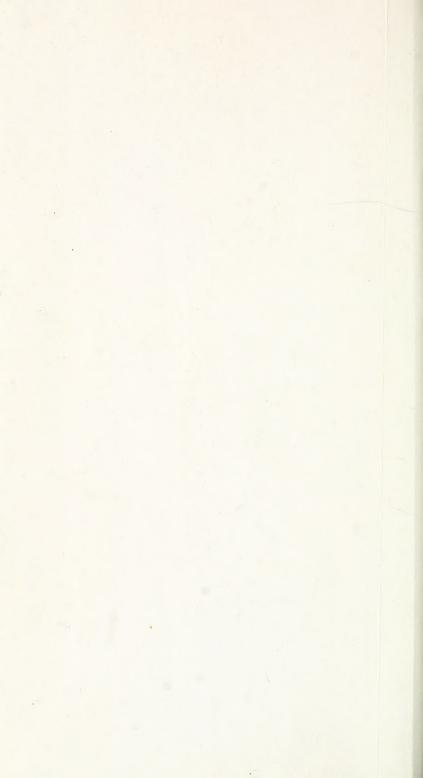
Negative-None.

Page 298, in line 14, after word "bill," insert, to be entitled on set in reference to the special term of the superior count for Graven county.









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